

Jamaica's OGP Opportunity

A Civil Society Workshop to Kick-Start
the National Action Plan Co-Creation Process

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WORLD
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Background

In December 2016, Prime Minister Andrew Holness wrote a letter of intent to the Open Government Partnership Chair, French President, His Excellency, François Hollande, expressing Jamaica's interest in joining the Open Government Partnership (OGP). Prime Minister Holness stated that "the objectives of the OGP coincide very well with the Government of Jamaica's anti-corruption policy and strategies towards achieving greater transparency, accountability, public sector efficiency and the overall strengthening of governance."

Despite taking this important official step, Jamaica has yet to craft its first National Action Plan (NAP) or begin the required consultations with civil society to inform the process. Jamaica has now failed to meet its obligation for two consecutive planning cycles (over 3 years), and is at risk of failing a third, after which Jamaica will become "inactive". Jamaica must produce a National Action Plan by December 31st, 2019, or risk being removed from the Open Government Partnership. The Ministry Of Finance and Public Service was appointed as Jamaica's OGP Focal Point with responsibility for overseeing the National Action Plan creation process.

Civil society welcomes Jamaica's participation in the OGP, which now comprises 79 countries and 20 local governments working to implement open government commitments to promote greater transparency, accountability and citizen engagement in policy-making. Founding in 2011, the Open Government Partnership is a multilateral initiative that aims to secure concrete commitments from national and subnational governments to

promote open government, empower citizens, fight corruption, and harness new technologies to strengthen governance. However, the current stagnation in Jamaica's action plan co-creation process puts its participation at risk.

In late 2018, the civil society organizations Jamaicans For Justice, the SlashRoots Foundation, Jamaica Environment Trust, the World Resources Institute and other individual members of civil society began meeting to discuss how civil society could support the OGP process. The civil society working group held meetings with stakeholders within the Government of Jamaica who have responsibilities for Open Government related activities, multilateral partners who could support a NAP development by the GOJ, and met with representatives of the OGP Latin America Secretariat to build support for Jamaica's participation. In May 2019, this group convened a workshop in Kingston, Jamaica to raise awareness among civil society about the OGP and hold discussions on how the OGP process could support open government initiatives in Jamaica.

¹ "Jamaica Letter Of Intent", December 2016. <https://www.opengovpartnership.org/wp-content/uploads/2017/04/LOI-Jamaica.jpg>

Workshop Overview

This note summarizes the opportunities to leverage the Open Government Partnership National Action Plan development process to advance Jamaica's Open Government ecosystem, based on a civil society workshop held on May 9th. The workshop was attended by 16 civil society organisations and representatives from the Access to Information Unit and the Ministry of Science, Energy and Technology (MSET). The note includes the workshop's objectives and scope; a collaborative mapping of Jamaica's current Open Government ecosystem; challenges faced by civil society that relate to open government; and opportunities and suggestions identified that could become commitments in Jamaica's action plan. It concludes with action items identified by civil society for the next steps in accelerating progress on Jamaica's action plan development process.

Objectives

There is strong interest among civil society to support the Jamaican government to meet this multilateral obligation, and, in the process, craft an ambitious but realistic action plan. To this end, the organisations mentioned above convened a workshop to kick start the co-creation process required in the OGP Action Plan Development Process. The workshop's objectives included:

- **Raise awareness about Jamaica's OGP participation** and its relevance to Civil Society.
- **Discuss how the OGP process can advance** Jamaica's Open Government programme.
- **Identify modalities for collaboration among civil society and government actors** on Jamaica's Action Plan.

The workshop was designed as a series of information sessions and participatory design activities. Presenters included Emilene Martinez (OGP, Latin America), Carole Excell (World Resources Institute), Reyna Samuels (Caribbean Policy Research Institute), and Matthew McNaughton (SlashRoots Foundation). The workshop agenda and information on how to access the speaker presentations are included in the Annex².

² The Open Government Partnership National Action Plan Co-Creation Guidelines require that participating countries publish and maintain an online repository of supporting materials that document the National Action Plan creation process. The workshop conveners have created Google Drive folder to support this co-creation documentation process.

Ecosystem Mapping

Workshop participants created a high-level mapping of Jamaica's Open Government Ecosystem. It was not intended to be an exhaustive list of initiatives, collaborations and entry points, but it provided context for a shared understanding where Open Government is in Jamaica, and what activities and capabilities could be leveraged and/or strengthen as part of discussions on potential opportunity areas for OGP commitments.

Initiatives

Civil Society

The People's Budget Jamaica Civil Society Foundation 2013-14	Development Alert Jamaica Environmental Trust
Research on ATI Barriers & Challenges Jamaicans for Justice 2019-Present	Access to Information & Armadale Fire Documentary Jamaicans for Justice
Open Budget Survey Caribbean Policy Research Institute (CAPRI) International Budget Partnership (IBP)	Jamaica Accountability Meter Portal Jamaica Accountability Meter Portal
Developing the Caribbean Conference & Code Sprint Caribbean Open Institute & SlashRoots	

● Inactive/Discontinued ● Active/Ongoing/Draft ✓ Completed

Initiatives

Public Sector

<p>CAC Price Data Portal</p> <p>Consumer Affairs Commission (CAC)</p> <p>●</p>	<p>Jamaica Open Data Portal</p> <p>Ministry of Science Energy and Technology</p> <p>2016-Present</p> <p>●</p>
<p>TellYourMP Participatory Budgeting</p> <p>SlashRoots</p> <p>2018-Present</p> <p>●</p>	<p>The People's Budget Fiscal Year 2019-2020</p> <p>Ministry Of Finance</p> <p>2019-Present</p> <p>●</p>
<p>Office of the Prime Minister Petitions Website</p> <p>Office of the Prime Minister</p> <p>●</p>	<p>STATIN Data Portal</p> <p>Statistical Institute of Jamaica (STATIN)</p> <p>●</p>
<p>Open Data Visualization Training</p> <p>Ministry of Science Energy and Technology</p> <p>2019</p> <p>✔</p>	<p>Jamaica House Live Call-in Programme</p> <p>Prime Minister/Office of the Prime Minister</p> <p>●</p>

● Inactive/Discontinued ● Active/Ongoing/Draft ✔ Completed

Laws & Policies

Laws

Access to Information Law

Access to Information Unit
2002 (Revision due)



Policies

Consultation Code of Practice

Public Sector Reform Unit,
Cabinet Office
2005



Open Data Policy

Ministry of Science Energy
and Technology
Draft



Data Sharing Policy

Ministry of Education, Youth
and Information
Draft



Public Accountability Framework

Cabinet Office
2010



Bills

National Identification Bill

Undergoing Redrafting



Data Protection Bill

Joint Select Committee



International Commitments

OAS Open Government Commitment

Ministry of Foreign Affairs
2018

Escazú Agreement Membership Negotiations

OPM/Ministry of Foreign
Affairs

● Inactive/Discontinued ● Active/Ongoing/Draft ✓ Completed

Research & Evidence

<p>“Towards Greater Citizen Engagement and Transparency Through Open Budgeting in Jamaica”</p> <p>Mona School Of Business & Management (MSBM) 2016</p> <p>✔</p>	<p>“Open Government Data: A Catalyst for Jamaica’s Growth and Innovation Agenda”</p> <p>MSBM & CAPRI 2016</p> <p>✔</p>
<p>State of Open Data In Jamaica (2018)</p> <p>Caribbean Policy Research Institute (CAPRI) 2018</p> <p>✔</p>	

Entry Points

<p>Local Government Social Development Commission Forum</p> <p>●</p>	<p>Open Data Visualization Training</p> <p>Ministry of Science Energy and Technology</p> <p>●</p>
<p>Partnership for Prosperity Meetings</p> <p>●</p>	

● Inactive/Discontinued ● Active/Ongoing/Draft ✔ Completed

Collaboration Examples



OGP Opportunities & Challenges

During the second half of the workshop, participants identified various challenges that negatively impacted their respective missions. This section documents those challenges and highlights how the OGP commitments could be used to address them. Both challenges and opportunities have been organized into five thematic areas that emerged during the synthesis of workshop artifacts.

Executive Transparency

- A record of cabinet decisions is not readily available. Government acts on these decisions during their deliberations, but they are not readily available to the public.
- Government policies difficult to access. Whereas laws are readily available online, government policies are less organized and inconsistently published. In some cases, while policies may exist they are not publicly accessible.

OGP Opportunities:

- Improving publication of Cabinet meeting minutes, key decisions and related documentation.
- Publish a government resources library for all government policies. Require all Ministries, Departments and Agencies to publish their policies online on their websites and in this library.

Judicial Transparency & Reform (Access to Justice)

- Accessibility of court records and rulings to the public, particularly as it relates to lower courts, could be improved.
- Unable to access information (e.g oral submissions) during ongoing court proceedings in the upper courts.
- Jamaican laws and citizen rights not available in language accessible to the general public.
- Traditional state accountability mechanisms, such as the court system, are not accessible to all citizens.

OGP Opportunities:

- Improve court record creation, possibly through further digitization of internal systems, and the publication of a schedule which clarifies when different types of information will become available online.
- Expand legal aid clinics services through additional funding for the Ministry Of Justice's legal aid services and for legal aid organizations, allowing them to expand their reach to more remote and poorer communities.
- Execute public education campaign to broader citizen awareness of the existence of legal aid services.

Open Government & Open Data

- Open Data Portal Adoption / Timeliness of updates. While Jamaica launched its Open Data Portal in 2016, the GOJ has struggled to achieve broad support for the initiative within the public sector, which has led to the portal being irregularly updated
- Access to Information (ATI) appeals process is unduly tedious, legalistic, and difficult to manage
- “Misuse” of Government ATI guidelines to “slow down” civil society access to information

OGP Opportunities:

- Use OGP process to accelerate the implementation of ATI reforms, such as those recommended by 2011 Joint Select Committee and ongoing A2I research by the A2I Unit and Jamaican For Justice
- Commit to passing the Open Data policy, which incorporates MDAs requirements to catalogue and publish data on Jamaica’s Open Data portal on a regular basis

Citizen Participation in community development and governance

- Citizens unaware of which government processes require public consultation, when they take place and how to engage/participate.
- Political culture does not recognize the legitimacy of citizen involvement and participation.
- Community involvement in addressing crime is limited.

OGP Opportunities:

- Strengthen citizen participation guidelines and policies.
- Expand citizens involvement in the community development process through participatory budgeting

Miscellaneous

- Procurement transparency at different levels of the public sector can be improved.
- Government spaces (physical and digital) are not disability friendly
- Media reporting on JSC are too sensational and often lack nuance.

OGP Opportunities:

- Incorporate the Open Contracting Standard into ongoing Procurement reform.

Other Commitments Ideas

Legislative and administrative challenges and opportunity areas provide commitment ideas of varying difficulty, but valuable for both the GOJ and Civil society

Civil society and GOJ representatives identified multiple existing and proposed legislation and policies that could be updated or implemented as part of an OGP NAP. In multiple cases, legislative review or drafting are already underway, such as with the review of ATI law, but OGP process could be used to elevate the activity and accelerate its completion. In other scenarios, inactive or outdated legislative, such as the Consultation Code of Practice, could be prioritized.

Expand existing MOF Open Budget / Participatory budgeting initiatives

The Ministry of Finance, led by Minister Hon. Dr. Nigel Clark is executing an ambitious and high profile economic reform and debt management programme. This has included a broad public education campaign on the GOJ's major capital investments through projects such as the "People's Budget". Members of Parliament have also been implementing participatory budgeting activities at the local level in their constituencies. OGP could be used to expand these initiatives and further raise the profile of Jamaica's budget transparency activities globally.

Clarify and strengthen the role of citizen participation in governance.

At multiple points throughout the workshop, participants shared that the role citizen participation in governance and methods used were often unclear and ineffective. While the GOJ guidelines for how the public sector should consult the public in various decisions were published in 2005, it is unclear how commonly there are applied. Fur-

thermore, many citizens and civil society organizations are often unaware of when consultations take place, how they might participate.

OGP presents an opportunity to update these consultation guidelines, publish the list of MDA processes that require citizen consultation, and reaffirm the role of citizen consultation in governance. Revised guidelines could also incorporate recommendations and resources for public sector workers on the use of digital technologies and channels to broaden the entry points for capturing citizen voice.

Jamaica's participation in the Escazú Agreement

Jamaica has been participating in the negotiation of a new environmental and human rights treaty on environmental democracy, which includes new standards for provision of environmental information, public participation in the environmental policy making process (including in Environmental impact assessment) and improved access to justice including provision of remedies for vulnerable groups. Jamaica announced that it was signing the agreement. Once the agreement is signed and ratified Jamaica will have to amend specific laws to improve access to environmental information including the Access to Information Law and pass regulations to govern the Environmental Impact Assessment process. OGP presents an opportunity to make the commitments to amend these two laws.

Next Steps

The below action items were identified as civil society's next steps in supporting the OGP NAP development process. A civil society OGP working group, consisting of representatives from the Slash-Roots Foundation, Jamaicans for Justice, Jamaica Environment Trust, the Caribbean Policy Research Institute and the World Resource Institute was nominated to act as the primary point of contact for OGP. This working group would meet semi-regularly to execute the action items identified and liaise with Government of Jamaica stakeholders.

1. Workshop Documentation & Resources sharing

Task Description	Status	Actor Responsible
1.1 Draft an Open Letter on behalf of civil society to the Office of The Prime Minister, Ministry of Science, Energy & Technology (MSET) and Ministry of Finance and Public Service (MOFPS) expressing concern about the current status of OGP Implementation	Complete Letter sent to MSET, MOFPS	Technical Working Group
1.2. Document Workshop discussions and share presentation resources.	In-Progress. Draft note complete.	Technical Working Group
1.3 Share OGP Overview note that can be distributed through civil society networks.	Not Started	Technical Working Group
1.4 Convene meeting with Minister responsible for OGP and CAPRI to discuss the results of the workshop	In-Progress. Meeting requests sent to Ministry of Science Energy and Technology, Ministry of Finance	Technical Working Group

2. Establish Civil Society Collaboration Channels

Task Description	Status	Actor Responsible
2.1 Work with GOJ to establish civil society multi-stakeholder forum as a priority	In-progress Began meetings w/ MSET Representative to establish multi-stakeholder forum as part of co-creation process	Technical Working Group
2.2 Creating a list of actors that should be updated throughout the process.	Complete. Mailing list established when draft Open Letter was shared with civil society.	Technical Working Group
2.3 Expand OGP working group to include additional partners	Not Started. To be completed during upcoming online webinar	Technical Working Group
2.4 Create #OGPJamaica Whatsapp group through which updates can be shared with broader members.	Not Started To be completed during upcoming online webinar	Technical Working Group
2.5 Monthly meetings/provide updates on OGP progress.	Started First meeting scheduled for August 12	Technical Working Group
2.6 Additional fundraising to expand NAP co-creation and consultation activities.	Started	Technical Working Group

3. Establish a OGP Jamaica Website

Task Description	Status	Actor Responsible
3.1 Keep civil society engaged on the website progress	Update to be provided on upcoming webinar	SlashRoots

Annex

Civil Society OGP Cocreation Workshop

May 9th, 2018

8:30 - 9:00am: Registration

9:00 - 9:20am Welcome

Matthew McNaughton, SlashRoots Foundation
Damion Cox, Director, Access to Information
Gary Campbell, Ministry of Science Energy & Technology
Emilene Martinez, Open Government Partnership

9:20 - 9:40am Workshop Overview + Introductions

Presenters - Matthew McNaughton, SlashRoots & Carole Excell, WRI

9:40 - 10:15am: Introducing the Open Government Partnership

Presenter - Emilene Martinez, OGP

10:15 - 10:45am: Sector Based OGP Commitments

Presenter - Carole Excel, World Resources Institute

10:50 - 11:00am: Coffee Break

11:00 - 11:15am: A brief history of Open Government in Jamaica

Presenter - Matthew McNaughton, SlashRoots

11:15 - 12:15am Mapping Jamaica's Open Government Ecosystem [ACTIVITY]

Facilitator - Matthew McNaughton, SlashRoots

12:15 - 12:45pm: Towards a Jamaican National Action Plan

Presenter - Reyna Samuels, CAPRI

12:50 - 1:50pm: LUNCH

1:50 - 2:00pm: Recap: Challenges and Capabilities

Presenter - Matthew McNaughton, SlashRoots

2:00 - 3:00pm Vision Setting: How can we use OGP here [ACTIVITY]

Facilitator - SlashRoots

3:00 - 3:20pm Civil Society's Strategy in the OGP Process [Facilitated Synthesis Session]

Presenter - Working group

3:20 - 4:00pm: Cocreation Workplan Development

4:20 - 4:30pm Next Steps & Closing Remarks

Presenter - Working group

OGP Resources Folder

The Open Government Partnership National Action Plan Co-Creation Guidelines require that participating countries publish and maintain an online repository of supporting materials that document the National Action Plan creation process. This repository should be updated throughout the OGP co-creation process. The workshop conveners have created Google Drive folder to support this co-creation documentation process. It includes workshop presentations, pictures from the day, and other reference material on the Open Government Partnership.

- Presentations
- OGP Resources
- Workshop Agenda
- Pictures
- Videos
- Workshop Participants

OGP Jamaica Resources Folder

https://drive.google.com/drive/folders/1eLSUXctn_1hr3-7NwY2Uw40KEZRUIcNq?usp=sharing

SlashRoots



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