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"Government 5D Transparency"

Author: Veronica Cretu and Nicolae Cretu

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Contents

Keywords

Transparency; data transparency; process transparency; strategic transparency; transformational transparency; radical transparency; Open Government Partnership (OGP); participatory democracy; citizen-engagement

Abstract/ Executive Summary:

"… Transparency is an idea whose time has come", Francis Maude, Minister for the Cabinet Office, UK Cabinet

Nowadays, many national governments, municipalities, cities have committed to increased transparency. And if one looks, just as an example, at the Open Government Partnership (OGP) platform[1] – even if a young initiative indeed, it managed to bring under the core values of transparency and openness 65 governments from all around the globe in just 3 years. All these governments recognized that a transparent government is an essential element of a free and democratic society.
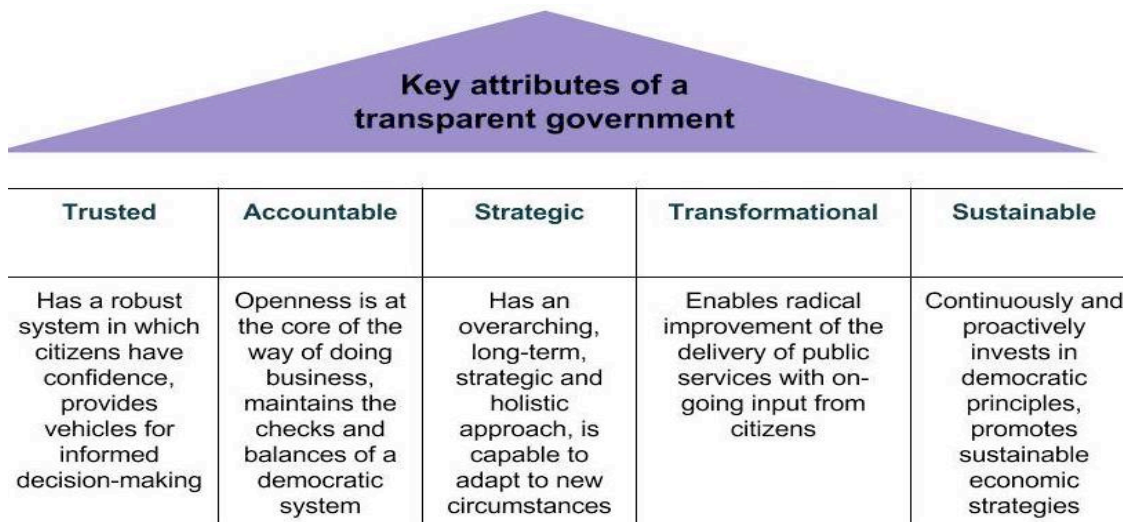
One would argue that the concepts of transparency and open government have been around in different forms for many years. However, the biggest difference today lies in the technology which could provide, where access is available, citizens with a "truly open and accessible government". While transparency stands for openness and accountability, it is considered to be the key element that can help governments build trust in their citizens, a very important and yet necessary element for the well-functioning of democracies. Interestingly enough, transparency seems to mean different things to different people, in different parts around the globe. For some, transparency associates with access to information or freedom of information, for others it has to do with fighting corruption, social accountability and/or opening up government data. And by the way, when it comes to data, is putting government data online enough for transparency in government?!

This paper explores on the different types of transparency and explains the interconnections between one another. **Data transparency, process transparency, strategic transparency, transformational transparency, and radical transparency** – what do all these types of transparency stand for, and how can governments make best use of these approaches and what is the value added for governments to look at 5D transparency - are some aspects which the paper brings some reflections on.

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[1] http://www.opengovpartnership.org/

Why address Government Transparency?!

With the advent of the Internet many have anticipated that Internet would completely revolutionize the government and would enable an increased political participation, through e-democracy, e-participation tools. And indeed, today more than ever, civic groups are taking advantage of the potential of the Internet and the technology to obtain greater transparency on the government's side along with helping to do what governments fail in doing enough by themselves.

Key attributes of a transparent government

Trusted	Accountable	Strategic	Transformational	Sustainable
Has a robust system in which citizens have confidence, provides vehicles for informed decision-making	Openness is at the core of the way of doing business, maintains the checks and balances of a democratic system	Has an overarching, long-term, strategic and holistic approach, is capable to adapt to new circumstances	Enables radical improvement of the delivery of public services with on-going input from citizens	Continuously and proactively invests in democratic principles, promotes sustainable economic strategies

Transparent and open government is high on the political agenda, given that it has "the overarching objective of providing open access to (non-sensitive) government information and data for both citizens and businesses; citizens will be allowed to scrutinize "unfiltered" (by government) data and draw their own conclusions; businesses will be allowed to utilize previously hidden public assets for commercial purposes (e.g. building new commercial services)", as per OECD[2].

One of the most recent definitions on *transparency* states that "any attempts by state or citizens to place information or processes that were previously opaque in the public domain, accessible for use by citizen groups, providers or policy makers"[3].

Embedding the principles of an open, transparent and participative government from the perspective of providing free access to government information and data has become a priority for many governments during the past years. However, among the key attributes of an

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[2] http://www.oecd.org/gov/public-innovation/44934153.pdf

[3] Definition used by the World Bank Group as part of Engaging Citizens: a game changer for development?

open government in addition to access to information and data are:

- Robust systems which citizens have confidence in, given that these systems provide vehicles for informed decision making and this leads to increased **trust** in the government (be it national, local, federal);

- **Accountability** – or mechanisms implemented at all levels to hold the elected ones accountable for their actions, holding them responsible for executing their power/mandate according to certain standards, provisions, legal frameworks. Providing tools for opening up the government and using transparency to allow citizens to scrutinize decisions made and challenge implementations of reforms and policies, make governments more accountable.

- Another key attribute of a transparent government is being **strategic** and having a long term vision and perspective on the broader development agenda which is shared by citizens. Ability of any government to adjust to emerging issues, respond and adapt to new circumstances is crucial in building trust. Citizens see either capacity or incapacity of the government to respond to crisis situations, thus, being transparent about the response mechanisms is key.

- Transparency is also about the government being **transformational** – and with this to enable radical improvement of the service delivery with the on-going input from citizens. Re-thinking, re-transforming and re-designing public services together with citizens create an enabling environment for them to engage and contribute as well.

- Once the above pre-conditions or attributes are in place, this will lead towards government's capacity to **continuously invest** in democratic principles and promote sustainable economic reforms.

In line with the above, it can be concluded that transparency is a multidimensional phenomena. It is not just about the data, or the processes – it is much more than that. Addressing government transparency needs to be made from a number of perspectives, not only from the perspective of access to information and disclosure of government data (most common approach today when it comes to assessing government transparency). As an example, according to global rankings looking at public access to official data, the UK Government is the most open and transparent in the world[4] out of 86 countries assessed. The US and Sweden come second and third in the rankings, however, does this also mean that these governments have, in addition to data transparency, policy development transparency tools, transparency

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[4] http://barometer.opendataresearch.org/report/summary/

around decision-making practices, accountability platforms available for all and able to generate considerable contribution from citizens?!

Because data transparency is just one element of the broader and a more holistic transparency framework, this paper looks at five key dimensions of transparency as illustrated in the drawing below.

Data Transparency

Process Transparency

Radical transparency

Transformational Transparency

Strategic Transparency
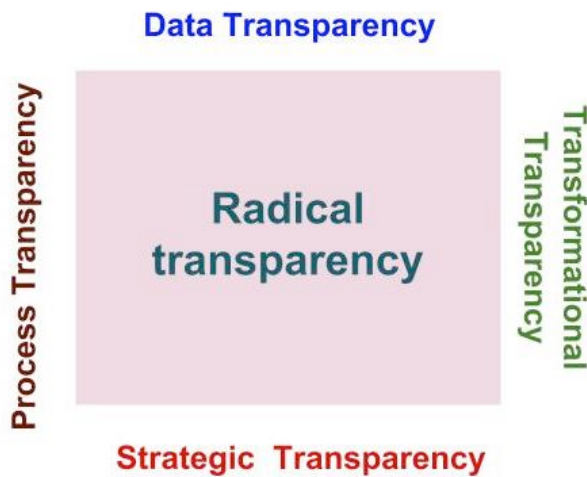
But first of all, let us examine why is this framework so important to look at in details: citizens generally appreciate/assess democratic governments and democratic governance processes are based on two main indicators: "policy performance" (for example, government's ability to deliver positive outcomes for society and this imply a series of process and content related mechanisms) and government's "democratic performance" indicator (for example, the degree to which government decision-making processes comply with the democratic principles and values it promotes). And given that for the "democratic performance" indicator the focus is on the process, this takes us immediately to a new dimension of transparency other than data. However, open and inclusive policy making can contribute to reinforcing both policy performance and democratic performance indeed, leading towards strategic and transformational processes. In other words, implementing policies of open and transparent government brings a number of advantages among which:

- an increase in the spectrum of tools/mechanisms via which governments could become more accountable for their actions;
- the opportunity to provide citizens and businesses with ways to create new economic or social activities through the use of public information as well as through the introduction of tools which clearly show how open data is being collected and organized;
- a way to start co-creating and co-designing initiatives together with citizenry;
- others.

Data transparency

Much has been written and said about data transparency and open data initiatives during the past few years. More specifically, the global movement to make governments transparent through "open by default" principle has gained the momentum in 2013 when the Open Data Charter was signed by the G8 leaders - Open Data Charter is, in a way, a promise to make public sector data available without charge and in user-friendly, re-useable formats. Last year, in 2014, the G20 economies followed up this movement by committing to further advance open data, especially as a tool against corruption, while UN recognized the need for a so-called "Data Revolution" in order for global development goals to be achieved.

Indeed, setting-up policies related to access to public sector information and data has been ongoing for several years, including at the European Union level. Back in 2011, European Commission in its Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions stated that "Open data is an engine for innovation, growth and transparent governance" and that "opening up public data will also foster the participation of citizens in political and social life…" [5] . This Communication presented a series of measures for overcoming existing barriers and fragmentation across the EU, as part of the Digital Agenda for Europe. Among them, adaptation of the legal framework for data re-use was included. It was a proposal for a revised Directive on the re-use of public sector information and a revised Commission Decision on the reuse of its own information – both adopted together with the Communication mentioned above.

However, the push for open data and free access to public sector data has been seen in a number of countries such as Australia, UK, US.

Why is open data agenda and debate so important?

First of all, it's important for the government to release data it holds, particularly data such as information on where money is spent and how well public services are performing. This does not only allows people to hold government accountable, but it can also help to improve

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[5] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0882:FIN:EN:PDF

efficiency, give people choice in using public services they need in the first place, and also allow them to contribute to economic growth. A good example of an interactive platform to help citizens understand the way public money is being spent is wheredoesmymoneygo.org – which aims to promote transparency and citizen engagement through the analysis and visualisation of information about UK public spending. Another example, similar to the UK platform, is a Moldovan www.budgetstories.md that aims to bring clarity in a simple, clear and visual way on how public money is being spent. In EU, attempts to open data (including on public spending) take place both at national and city level: for example there is a portal for Paris data in parallel to a national France open data portal: opendata.paris.fr and www.data.gouv.fr. Italy is another example, it had included in its second Action Plan on Open Government an action that deals with reinforcing the National Open Data Portal www.dati.gov.it[6].

Dutch open data portal (data.overheid.nl) is another good example of how the government aims to promote more access to information and make it more affordable to its citizens.

Another very relevant example is European Union's open data portal (open-data.europa.eu) which is the single point of access to a growing range of data from the institutions and other bodies of the European Union (EU). Data are free for use and reuse for commercial or non-commercial purposes.

While there are attempts at national level and EU level to create spaces for data to be made available and re-used, there are interesting applications and platforms which try to bring together efforts to "**map the money worldwide**" such as OpenSpending (community.openspending.org) which aims to track and analyze public financial information globally.

Note: generally, governments collect a wide range of data which has a potential to be re-used and explored for other purposes than it was initially collected for. For example, *cultural data* can serve citizens to learn more about galleries, nearby libraries, archives, museums, historic places which are not yet well-known, authors, etc. *Data related to environment* is critical today given that it provides citizens with the opportunity to learn more about the natural environment they live in and identify the level of pollutants, quality of the water in rivers and seas, etc. *Weather related data* allows citizens/users/experts to understand and predict the weather and plan for interventions in case any disaster might occur.

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[6] http://www.opengovpartnership.org/italy-second-national-action-plan-2014-16-english

Second of all, governments which have taken measures to open up data are doing nothing else but 1) trying to improve trust with their citizens, as this implies giving citizens the chance to view the "raw" data that governments usually build their political decisions on, and 2) governments are providing and at the same time, creating opportunities for businesses to use data assets that have not been made easily available for commercial use before.

Concluding on the data transparency the following can be stated: A well-functioning, open and democratic society provides its citizens with information about what their government is doing. And for that, they must be able to freely access government data, information useful for them, and be able to share it with their networks, etc. Opening up data can help create innovative services and business which can indeed deliver both social and commercial value. However, it is important that governments take into account that **Data is not Democracy**, yet it is a critical element of democracy. But where participation is concerned, all opportunities should be created and provided by governments.

Process transparency

It was already stated in the data transparency part above that information and access to information is indispensable for well-functioning societies and for governments interested to build trust in their citizens. While data is one very important element in the broader transparency framework, processes put in place by the governments to engage with their citizens are equally important. Usually, most of the citizens are only able to engage with their own government (be it national, regional or local) sporadically, on few occasions, or may be even just at an election that takes place once in 4-5 years. For citizens, knowing not only what is happening in the governance processes but also being able to contribute is key.

How then governments can ensure process transparency and what are the most useful ways to engage with citizens?!

In recent years, the European Commission has increasingly promoted citizens' participation and has linked it to participatory democracy. European Commission's Europe for Citizens Programme[7] is a good example of ways democratic and civic participation of citizens at EU level is being encouraged, as well as how the broader understanding of the EU policy making processes is being developed among EU citizens. Debating on the future of Europe is among the key priorities for 2015 and is not aiming at limiting only to the citizens already supporting the idea of EU, but reaching out to those who have not been involved thus far in this debate.

In addition to the European Commission's Europe for Citizens programme, EU citizens have a wide range of platforms to engage in EU policy making among which through *public consultations, petitions to the European Parliament, Formal complaints, Notifications and transparency register[8].*

However, in order to understand the value of the process transparency, one needs to look at the type of consultation and communication mechanisms governments, not only in EU, have in place in order to ensure meaningful engagement of their citizens.

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[7] http://ec.europa.eu/citizenship/europe-for-citizens-programme/index_en.htm

[8] http://europa.eu/eu-law/have-your-say/index_en.htm

Consultation implies procedures in which the government seeks feedback from citizens in the process of shaping policies. It is a two-way process, and it creates opportunities for citizens to provide their feedback. For that to happen, the government ensures that citizens are provided well in advance with relevant information. Draft laws opened for comments are among the most common examples of documents which citizens are required to provide feedback on.

As per Citizen Engagement Strategic Framework, **_Consultation_**, as distinct from dialogue, is a more structured exchange in which the convener commits to "active listening" and to carefully consider the comments, ideas, and recommendations received. Good practice consultations however, provide feedback on what was heard, and what was or was not incorporated and explains how consultations contributed to improved policies and programs.

The main goal of public consultation is to obtain public feedback on analysis, alternatives and/or decisions, while the government assumes the responsibility to keep citizens informed, listen to and acknowledge concerns and aspirations, as well as provide feedback on how public input had influenced the document/decision/or any processes under consultation.

According to the OECD background document on Public Consultation[9], consultation of citizens increases the level of transparency and it may help to improve regulatory quality especially by:

- Bringing into the discussion the expertise, perspectives, and ideas for alternative actions of those directly affected;
- Identifying unintended effects and practical problems. By using pre-notification it is possible to foresee more easily the consequences of some planned policies, becoming one of the most productive ways to identify administrative burdens.

Several countries around the world are creating more and more opportunities for citizens to participate in government and the web is fostering better communications between governments and citizens.

In Moldova, for example, the www.particip.gov.md platform aims to play exactly this role – inform citizens and acknowledge input or suggestions received. Mexico, for example, has developed www.pxm.org.mx which aims to complement government and civil society efforts to create democratic participation awareness.

While the above are national consultation platforms, there are city-based platforms with the same goal and here is an example of Melbourne: participate.melbourne.vic.gov.au.

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[9] http://www.oecd.org/mena/governance/36785341.pdf

However, any online platform has to be supported by face-to-face interaction, especially with interested groups and in line with this, most common offline public consultation methods include ***public meetings, public opinion polls, public hearings, focus groups, referenda,*** etc. One important element when it comes to public participation lies with the role of civil society, which has proven, throughout the years, to be instrumental in channelling citizen voice and engaging with political parties, elected representatives and other stakeholders. Additionally, there are a number of core principles that underline public participation/consultation and argues why ***process related transparency*** is important:

1. Informed participation provides participants with accessible materials (be it online or offline) and provides a baseline of information to begin discussions and

2. Large scale meetings (500 to 5,000 participants depending on scope/country/scale) enable the outcomes to have both greater visibility and credibility with policy-makers, the media, key stakeholders, and the public as a whole.

Strategic transparency

Any government with a strategic transparency approach would move even further with citizen-engagement processes and in addition to providing access to data and information, as well as 'listening' to the feedback coming from citizens via public consultation platforms, it will also seek to engage citizens in decision-making processes. So, strategic transparency deals with mechanisms that governments use to engage citizens in decision-making processes. And this is indeed an ambitious task, especially in countries with emerging participatory democracy with lack of expertise, experience and citizens' awareness of the role they can play in governance processes.

Very often, one can hear public servants complaining about citizens' incapacity to engage meaningfully in decision-making processes, given that they lack specific expertise, knowledge or experience. While this may be indeed true, in strategic transparency approach the government:

- Can actively support and/or initiate citizen engagement approaches by using participatory decision making tools and mechanisms;

- Has the capacity to respond to citizen demands in order to determine the outcomes of the citizen engagement initiatives;

So, citizens taking part in the decision making processes is something that participatory democracy is concerned with. To clarify on the key role of participatory democracy: "it is a process of collective decision-making that combines elements from both direct and representative democracy: Citizens have the power to decide on policy proposals and politicians assume the role of policy implementation"[10].

One very interesting example in Europe on ways participatory democracy has worked in practice recently is The Iceland Experiment (2009 – 2013) during which citizens could participate in the Constitutional Reform. The whole process started after the collapse of the

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[10] http://www.iae.csic.es/investigatorsMaterial/a12231123057archivoPdf88451.pdf

financial system which has led to enormous political unrest and citizens starting seeking accountability and responses from the elected ones. So, public trust has been betrayed and as a consequence grassroots organizations, civic movements started to insist on having a say in the constitutional reform process, which according to the experts, resulted in "the most consultative and participatory constitutional drafting process to date". Citizens were engaged in *national assemblies, community meetings and online discussions.* A new draft constitution emerged from this process. The ultimate fate of the citizen's draft constitution is not yet known, however, the "precedent Iceland set through this citizen-driven discourse is critical, and provides a model that other countries might emulate as they seek to involve more citizens in this most democratic of processes"[11].

Iceland's example is illustrative from the perspective of citizen-driven strategic transparency approach, given that it was them who demanded for engagement and for having their say in the decision making process. It can be concluded that civil society in Iceland was driven by a number of key factors among which:

- Nature of socio-economic inequality and exclusion of the citizenry from the decision-making processes;
- Capacity of the people to demand accountability;
- Capacity to create networks and mobilize as civil society networks, groups, etc.

In a government-led strategic transparency approach, the governments should consider the above factors as well as a few additional ones:

- The nature of the current social contract (as part of state-society relationship);
- The history of state-society relationship (this is an important aspect particularly in countries with emerging democracies, given that some initiatives/actions might do more harm than good if there are no previous experiences and adaptation should be smooth and tactical);
- Commitment and capacity of the elected ones to both promote and respond to citizens demands for engagement in decision making processes;
- And not least important, is the Rule of Law.

Today, governments in Europe and across the world, can chose from a wide spectrum of tools

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http://www.democratizationpolicy.org/uimages/pdf/dpc%20policy%20note%202_%20the%20iceland%20experiment.pdf

and mechanisms that would bring citizens' voice in the decision making processes: ***participatory budgeting*** is gaining more and more support and interest in developing countries be it is about community related budgets, school budgets, hospitals, etc. ***Citizens' Juries*** is another participatory decision-making tool which implies groups of selected members of a community making recommendations that come from interest groups, marginalized communities as a result of close consultations with them. ***Focus group discussions*** continue to remain among the most common practices of engaging citizens in decision-making processes, and are usually organized with specific goals, structures, time-frames and procedures. They are usually designed in a way that input for proposed actions is being collected and at the same time allows for a detailed understanding of stakeholders' perspectives, values and concerns. ***Participatory planning*** is a very promising participatory decision making technique, as it convenes a broad base of key stakeholders in order to generate a clear picture of the existing situation and develop appropriate strategies to solve jointly identified problems. ***Online opinion polls, vote mock elections*** are other examples of mechanisms that can indeed ensure a more strategic approach to government transparency. The list can continue, as practices and platforms emerge, and it is up to the governments to decide what's best for their citizens and what are the most appropriate tools to be used when citizens' voice is needed in a decision making process.

Transformational transparency

Theories of participatory democracy are to a considerable extent based on the idea of system transformation and *transformational transparency* is all about the governments transforming, co-creating and co-designing policies, services, strategies and interventions together with their citizens.

Transformational transparency deals more with social accountability mechanisms, with ways to engage citizens in monitoring and evaluation of the quality of the public services, along with providing them with space to be able to share their recommendations for improvement or to really be part of the improvement related processes. Transformational transparency is a way to reach out innovation both in government and in the way government is interacting and engaging with its citizens. This is a very advanced stage of participatory democracy given that 'society driven accountability' seeks to provide direct answerability from government to citizens. What is important about transformational transparency is the fact that citizens are able to play a number of roles, which contribute to empowering them to contribute and co-create more:

- Citizens become *explorers* – given that they can identify, discover, and formulate both emerging and current problems they see in public services delivered at both national and local levels. "Exploration" can be made in public health, education, environment, local development and other sectors;

- Citizens become *innovators* – citizens can start innovating, coming up with new concepts, approaches and bring novelty to the defined problems existent in the public sector/services. The reason they could innovate is because they are the ones 'living' on a daily basis with those services, they see what works and what does not and they know best how exactly they could be improved;

- Citizens become *"implementers"* - citizens can directly support or facilitate the implementation of particular innovations and solutions among well-defined target populations. This becomes even easier and accessible in cases when online solutions have been identified and the type of resources needed to bring the novelty in place is realistic to be managed by citizens/group of citizens' implementers.

Definitely, the above listed roles imply different types of contributions to the citizen problem-solving platforms, different types of government-citizen interactions, as well as different types

of mechanisms and support infrastructure. It is up to the local or central government to create mechanisms for building and sustaining the community of citizen innovators as well as define the architecture of participation in order to be able to coordinate collaboration activities.

Some of the most interesting and effective mechanisms that can strengthen transformational transparency in government include:

- **Citizen report cards** which allows citizens to assess public services and provide feedback. One interesting aspect of this tool lies in the fact that it is not used only for feedback collection but for identification of problems as well.

- **Community contracting** allows community groups to be contracted to provide specific services, and this is where citizen innovators can play a crucial role in.

- **Community monitoring** – brings a system in place which deals with measuring, recording, collecting and analyzing information. It holds public institutions accountable, shares control over monitoring and evaluation processes, and whenever needed, takes corrective actions.

- **Community management** practice allows citizens/consumers of a particular service to be fully managing or owning the service/services (in most cases through cooperatives).

In 2014, Open Government Partnership (OGP) had an Award program dedicated to Citizen Engagement[12] theme. Among the top 10 initiatives related to citizen-engagement platforms that either directly or indirectly affect transformational transparency the following European examples can be listed:

- "Statutory Elected Senior Citizens' Council" **Denmark**, allows senior citizens actively influence local government policy.

- **Montenegro** Public engagement campaign "Be Responsible" provides citizens with the opportunity to report unregulated economic activity and help the government impose fines.

- **Italy's** "OpenCoesione – Monithon" allows citizens to track public spending and monitor its impact on the community.

- **The Netherland** came into the top 10 with "MinjWOZ" – My Law on Appreciating Local Property which allows citizens to influence how government values property to promote transparent tax assessment.
- **UK**'s "Sciencewise" platform allows citizens to engage in policymaking on complex science and technology projects.

Radical transparency

According to Wikipedia, radical transparency is a phrase used across fields of governance, politics, software design and business to describe actions and approaches that radically increase the openness of organizational process and data.

However, the type of radical transparency this particular paper looks at embeds the four previous types described above, and thus, *radical transparency is the commitment of the government (federal, local, national) to implement data transparency, process transparency, strategic transparency and transformational transparency mechanisms, principles and tools.*

Such an ambitious commitment by the government should be anchored in a whole new set of values and principles among which openness, citizen-centric, equity, professionalism, visioning, being futuristic.

It is important that governments acknowledge that today, more than ever, citizen-engagement through the so-called **"Government 5D transparency "**should be positioned high on the political agenda in order to be able to bring back citizens' trust in government and co-create/co-design services which citizens need in the first place. Additionally, governments should:

- Engage citizens on a regular basis in the design process, and make them the main stakeholders in the implementation process.
- Make sure that citizens are listened to. Simulating citizen-engagement could be much worse than not having anything in place;
- Provide "feedback on feedback" and make sure citizens understand the value of their contributions;
- Use clear language in order to be able to reach all citizen groups/networks, interested parties, etc.;
- Share the results of the learnings from these processes and make sure these are being incorporated in the future initiatives;
- Strengthen/build the capacity of the government, of public servants to be able to use the five facets of transparency.

- Not blame citizens for not being able to engage meaningfully, rather explore together with them the most appropriate ways for collaboration and cooperation.

Key take away …

Transparency, if properly implemented, allows governments to innovate the public sector, government-citizen relationship, platforms and mechanisms for citizen-engagement like never before. ***Why innovation through Government 5D transparency in public sector is important?!*** It is important mainly because it brings:

- New, improved services co-created together with citizens;
- Improved processes (which implies changes in the way services are elaborated and diffused);
- New competences among public servants which leads to administrative innovation;
- Holistic approaches for system related innovations (sometimes bringing completely new, fundamental changes of an existing system, which can serve as a great push for countries to embark on new level of development);
- Conceptual innovation (also implying new values, principles and concepts; new philosophy for development);
- Radical changes of the rationalities behind processes, structures, mechanisms – bringing completely new frameworks and dimensions in the public sector.

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About the Authors

Veronica Cretu is President of the Open Government Institute (Moldova). Veronica is a member of the civil society Steering Committee of the Open Government Partnership (OGP) since April 2013, and is a coordinator of the civil society working group on E-Government/Open Government (part of the Moldova National Participation Council). In addition to her work on Open Government, she has been actively engaged for the past 10 years in issues related to Internet Governance. Veronica is a former member of the Multi-stakeholder Advisory Group (MAG) to the Internet Governance Forum (IGF) and a former member of the Nominating Committee (NomCom) of ICANN (Internet Corporation for Assigned Names and Numbering). She is also a member of the Civil Society Advisory Group on Gender Equality and Women's Empowerment to UN in Moldova. Veronica's holds an MA Diploma in Contemporary Diplomacy with Mediterranean Academy of Diplomatic Studies of Malta. Veronica worked as an international expert in the field of education, particularly in critical thinking methodology, in countries such as Liberia, Turkey and Nepal (on behalf of Open Society Foundations).

Nicolae Cretu is Program Director with Open Government Institute (Moldova). Nicu has more than 15 years of work experience in both not-for-profit and business sector. He holds a Postgraduate Diploma in Leadership and Management with the Leeds Metropolitan University, UK and a Bachelor degree in Philosophy, with the State University of Moldova. Nicu worked as an international expert in critical thinking methodology for educational sector (for Open Society Foundations) in countries such as Liberia (West Africa), Mongolia and Nepal during 2007-2010. Nicu worked with Moldova Soros Foundation, Pro-Didactica Educational Center, Moldova Medical Foundation and International Development Partnership. Nicu provided consultancy and capacity building programs for numerous non-for-profit and private sector organizations from Moldova, Ukraine, Romania. His current areas of expertise include: Open Policy Making, Organizational Development, Critical Thinking Theories, Project Management and Project Evaluation, Adult Education (TOT), Communities of Practice, Leadership and community development.

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