

Independent Reporting Mechanism (IRM): Brazil Design Report 2018–2020

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Executive Summary: Brazil

Brazil led a strong, collaborative co-creation process (developed with federal government, civil society, and some state and municipal government actors). The parties tackled topics such as freedom of speech, budget participation, and public accountability. The consultation process was extensive; however, the action plan lacks overall ambition. Going forward, it is recommended that the government more strategically include civil society organizations in the plan's development process. It should also construct results-driven commitments that include clear strategies to

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Brazil joined OGP in 2011. Since then, Brazil has implemented three action plans. This report evaluates the design of Brazil's fourth action plan.

General overview of action plan

Despite changing priorities resulting from political transitions, Brazil remains committed to open government efforts. Its fourth action plan, in particular, responds to the country's challenges regarding freedom of speech, budget participation, and public accountability.

The action plan's development took place through an iterative consultation process that maintained parity between the government and civil society through its entirety. The plan's development actively involved 105 people representing 88 institutions: 39 civil society organizations, 39 federal government bodies, and 10 state and municipal government bodies. Nevertheless, stakeholders thought there could be a broader range of actors, apart from those already participating in the process. As was the case with the previous action plan, the level of public influence reached the threshold of "collaboration" per the International Association for Public Participation's "Spectrum of Participation."

Although the plan's development process met OGP's standards and had strong public involvement, it did not translate into a more ambitious action plan. Of the 11

Table 1. At a glance

Participating since: 2011
Action plan under review: 4
Report type: Design
Number of commitments: 11

Action plan development

Is there a multi-stakeholder forum: Yes
Level of public influence: Collaborate
Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values: 9 (81%)
Transformative commitments: 0 (0%)
Potentially starred: 0 (0%)

Action plan implementation

Starred commitments: N/A
Completed commitments: N/A
Commitments with Major DIOG*: N/A
Commitments with Outstanding DIOG*: N/A

*DIOG: Did it Open Government



commitments in the action plan, six are considered to have minor potential impact. They represent first steps forward but are limited in scope or scale. Only four have the potential to achieve moderate change, while none were considered transformative. The action plan focused on nine themes: subnational governments, an open-data ecosystem, open science, social control and citizen's feedback, transparency in environmental disaster repairs, open legislature, land transparency, climate and water resources, and freedom of information.

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
3. Innovation and Open Government in Science Promote the use of open data and open data practices in scientific research.	Achievements from this commitment can be used as models to address other challenges faced by government and civil society in fields outside of science.	Note: this will be assessed at the end of the action plan cycle.
6. Transparency and Public Oversight over Mariana's Reparation Process and Other Municipalities in the Region Promote access to information and public accountability related to the mitigation and recovery process of dam disasters.	To increase its potential impact, this commitment's milestones could highlight activities conducted by the Renova Foundation portal. Those activities include establishing on-site offices to guide civic monitoring and repairs in the region, creating accountability materials, constructing budget transparency tools, and documenting best practices for future use.	Note: this will be assessed at the end of the action plan cycle.
8. Land Transparency Consolidate a complete, updated, and geo-referenced registry of urban and rural land properties.	The commitment could be strengthened by institutionalizing civic participation opportunities in the process of consolidating and updating the registry.	Note: this will be assessed at the end of the action plan cycle.
11. Access to Information Act in States and Municipalities Create a unified platform for access to information requests. It should be available at no cost to states and municipalities.	To strengthen the commitment's impact, the portal should be widely advertised across civil society and the public to promote its use.	Note: this will be assessed at the end of the action plan cycle.

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five key IRM recommendations

Broaden the base of participation in the OGP process.
Develop more ambitious commitments.
Continue to expand the engagement of the executive branch with other branches of government.
Increase expertise exchanges through the São Paulo subnational OGP initiative.
Increase the visibility of non-OGP open government initiatives.

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

Brazil joined OGP in 2011. This report covers the development and design of Brazil's fourth action plan for 2018–2020.

The Independent Reporting Mechanism of OGP has partnered with Fabro Steibel, independent researcher, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

II. Open Government Context in Brazil

The fourth action plan was the first that was drafted under one administration and to be implemented under a different administration with opposite political leanings. However, the IRM researcher found that open government practices in the country remained stable, with continued governmental and civil society support for open governance.

The consultation phase of the co-creation process occurred from April to late 2018, during the last year of the Michel Temer administration. (Temer became president after President Dilma Rousseff was impeached in 2016.) National elections were held in October 2018. Jair Bolsonaro—self-identified outsider and a member of the opposition against Presidents Temer and Rousseff and their predecessors—was elected. The race was highly competitive, and voters, including public servants and civil society members, were polarized.¹

However, the IRM researcher found no evidence that the political shift represented major changes for open governance in Brazil. In terms of OGP leadership, both the government agencies and civil society bodies involved with OGP continued to operate during the whole period, including the team at the Comptroller-General's Office of the Union and the Civil Society Working Group. (The latter held elections to incorporate new members as scheduled.) It should also be noted that participation levels during consultation and implementation meetings were similar or higher than those recorded for the previous action plan. Evidence suggests there is growing, organic support for open governance from both the government and civil society.

The new administration has reacted strongly against the policies of its predecessor. It also reduced the number of ministerial agencies, which led to changes in the institutions and staff responsible for implementing several commitments. A similar process occurred during the implementation of the previous plan, when Temer assumed the office of the presidency. This suggests that transition periods can complicate policy delivery.

In terms of the open government agenda, at least two policy events raised conflicts between government and civil society. The first was Decree 9.690/19, which reduced the requirements for classifying documents as secret and ultra-secret. The decree also increased the number of people allowed to take such action. The government argued this change would reduce bureaucracy and not impact freedom of expression or access to information.² However, civil society organizations (CSOs), such as Article 19, disagreed and argued the decree went against international freedom of information standards.³ In the end, Congress voted against the decree. As a result, the president revoked it, and no change was implemented.

The second policy event was the revocation of a few councils that facilitated civic participation. Along with the ministerial reorganization, some previously active councils were revoked or suspended.⁴ CSOs argued the councils were strong mechanisms of civic participation and public policy delivery, citing the case with nutrition security (addressed by a current commitment).⁵ However, the government found that some councils were dormant and unnecessary or needed new rules of engagement and composition.

In terms of international indices on open government, Brazil remains in a stable position. Brazil's Freedom House score, for example, was stable from 2018 to 2019.⁶ The index noted the country "holds competitive elections and is characterized by vibrant public debate. However, independent journalists and civil society activists risk harassment and violent attack."⁷

Brazil's standing on Transparency International's Corruption Perceptions Index declined between 2017 and 2018, dropping from 37 to 35 out of a possible 100.⁸ Transparency International noted that "while highlighting an extreme degree of abuse and corruption in many of Brazil's institutions, [the score] also revealed a growing cynicism and sense of hopelessness among citizens."⁹ Global Right to Information rates the country in its second highest tier.¹⁰ It stated that "Brazil's Law on the Right to Information has many of the characteristics of an excellent access framework. . . . Unfortunately, the law in its current form is vague on many vital areas."¹¹ The Open Budget Survey of 2017 scored Brazil as high in transparency and budget oversight (77 and 76, respectively, out of 100) but low on civic participation (35 out of 100).¹² In terms of budget oversight, the International Budget Partnership noted that the country "provides sufficient budget information to enable the public to engage in budget discussions in an informed manner" but "provides few opportunities for the public to engage in the budget process."¹³

In short, the overall context in Brazil involves a positive environment for open government, with challenges regarding freedom of speech, budget participation, and corruption accountability.

¹ Paula Laboissière, "Polarização na Eleição é Destaque na Imprensa Internacional," Brazil Communication Company, 7 October 2018, <https://bit.ly/2QHoZcH>.

² Ana Cristina Campos, "Mourão Diz que Decreto da LAI Reduz Burocracia e Garante Transparência," Brazil Communication Company, 24 January 2013, <http://bit.ly/2YCtACc>.

³ João Fellet, "O que Muda com Decreto do Governo que Altera Regras para Classificação de Informações Ultrassecetas," BBC News Brasil, 24 January 2019, <https://bbc.in/2YHzUEX>.

⁴ Tulio Kruse and Ricardo Galhardo, "Governo Bolsonaro Paralisa e Esvazia Conselhos e Comissões," The State of S. Paulo, 3 March 2019, <http://bit.ly/2YEgaBi>.

⁵ Camilo Rocha, "O que é o Consea, Conselho sobre Alimentação Omitido por Bolsonaro," Nexo, 3 January 2019, <http://bit.ly/2LXtrU2>.

⁶ Freedom House, "Brazil," Freedom in the World 2017, <http://bit.ly/2T2WuG5>.

⁷ Freedom House, "Brazil" Freedom in the World 2019, <https://bit.ly/2E6uD1Y>.

⁸ Transparency International, "Brazil" Corruption Perceptions Index 2018, <http://bit.ly/2OCquua>.

⁹ Transparency International, "Americas: Weakening Democracy and Rise in Populism Hinder Anti-Corruption Efforts," <https://bit.ly/2Sdnzcl>.

¹⁰ Global Right to Information, "Global Right to Information Rating Map," Access Info Europe and Centre for Law and Democracy, accessed July 2019, <http://bit.ly/2T2XMAV>.

¹¹ Global Right to Information, "Brazil," "Global Right to Information Rating," Access Info Europe and Centre for Law and Democracy, accessed July 2019, <http://bit.ly/2OBxxTQ>.

¹² International Budget Partnership, "Brazil," "Open Budget Survey 2017," <http://bit.ly/2Yp12gb>.

¹³ Ibid.

III. Leadership and Multi-stakeholder Process

Brazil has a collaborative, multi-stakeholder process that is positively reviewed by government and civil society actors alike. It includes government executive leadership, a civil society consultation-only working group, and a detailed action plan consultation process.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Brazil.

In Brazil, the Inter-Ministerial Committee on Open Government (CIGA), which is led by the Comptroller-General of the Union, oversees OGP activities. The CIGA was established by presidential decree in September 2011. A decision-making body of 18 ministries,¹ the CIGA is led by the president's office, which occupies one of the seats. The Executive Group of the CIGA (GE-CIGA) has seven government institutions. The GE-CIGA drafts and submits the national action plan for CIGA approval, conducts consultations, and monitors implementation of the plan.

Both CIGA and GE-CIGA have the legal power to enforce policy changes in other government institutions. The federal government allocated staff to the GE-CIGA to oversee the action plan's implementation. The government also dedicated a byline in the federal government's budget for OGP-related activities, as part of allocations for the Comptroller-General's Office of the Union and its Secretariat of Transparency and Corruption Prevention. This work is led by career public servant Otávio Castro Neves, director of the Transparency and Social Control Division.

During the second action plan, an informal Working Group for Civil Society was established, but it stopped its activities during the plan's implementation. In late 2015, a formal Civil Society Working Group (CS-WG) was established. The CS-WG consists of seven organizations elected by peers through a public call. The elected members for 2015–2017 participated in the consultation and implementation of the prior plan. For the current action plan, covering 2018–2020, a new set of members from civil society was elected. They have the task of monitoring the action plan built by the previous CS-WG and assisting in the construction of the future plan, which will be monitored by a new CS-WG, and so on.²

Finally, it is important to note that Brazil is a highly federalized system. The national government has few “sticks” to compel subnational governments. Nonetheless, progress on the commitments involving subnational governments shows that the national and subnational governments can coordinate successfully when they so desire. It is also worth noting that the City of São Paulo is part of OGP as a separate entity.

3.2 Multi-stakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Brazil did not act contrary to OGP process.³

Please see Annex I for an overview of Brazil's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Table 3.2: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.⁴ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborate.”

Level of public influence		During development of action plan
Empower	The government handed decision-making power to members of the public.	
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✓
Involve	The government gave feedback on how public inputs were considered.	
Consult	The public could give inputs.	
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

Multi-stakeholder forum

In Brazil, the government and civil society have institutional roles in OGP administration. The government is represented by the Inter-Ministerial Committee on Open Government (CIGA) and Executive Group of the CIGA, while civil society is represented by the Civil Society Working Group (CS-WG). The CS-WG has a consultative role per its mandate. However, in practice, the CS-WG’s role is collaborative. It is responsible for co-creating the consultation process and for monitoring implementation.

In terms of procedure, regular meetings of government and civil society groups are held and documented online. There is one monitoring group for each commitment, and each group has one leader from civil society and one from the government.⁵ Remote participation is available for all meetings. The IRM researcher attended three meetings to validate the quality of remote participation. Minutes of the meetings are available on the country’s OGP website, in open and proprietary data formats. Activities to develop the action plan commitments also involved representatives from both civil society and the government.⁶

Participation and engagement throughout action plan development

In Brazil, development of the action plan was based on a structured methodology similar to the one used in the previous action plan and involved collaboration between government and civil society. The Comptroller-General’s Office of the Union (CGU) designed the methodology and approved and updated it in partnership with the Civil Society Working Group (CS-WG). The consultation process occurred in three phases.

During the first phase, the CS-WG and the Executive Group of the Inter-Ministerial Committee on Open Government (GE-CIGA) defined a set of structuring themes.⁷ These themes referred to overarching topics agreed upon by the CS-WG and GE-CIGA, such as

national and subnational collaboration and the open-data ecosystem. Afterward, two groups, one led by the government and the other led by civil society, identified a list of eight priority themes that were later used to establish co-creation workshops.

On the government side, internal meetings to define four priority themes included broad participation by the executive branch, legislative bodies, and subnational institutions. On the civil society side, a public consultation was hosted through the website www.governoaberto.gov.br.⁸ The consultation received 2,002 votes and resulted in 92 suggested themes. The top four became the remaining prioritized themes. The government focused on innovation and open government in science, social control of the National Food and Nutrition Security Plan, user satisfaction analysis and social impact of National Terrestrial Transport Agency's regulation, and transparency and control in the Mariana and region repair process. In turn, civil society focused on land transparency, open government and climate, open government and water resources, and a law on access to information in states and municipalities.⁹ The process was documented and published online by the government.¹⁰

The eight priority themes, together with the two structuring themes, were used in co-creation workshops funded by the government. An additional theme that was related to open government in the legislature was added to the list as part of the process. In total, there were 22 co-creation workshops (two for each theme), which led to the 11 commitments in the national action plan.

All meetings were documented and posted online afterward. Online postings included pictures and discussed topics.¹¹ Each workshop aimed to have equal representation from the government and civil society. These workshops were held between May and August 2018.¹²

GE-CIGA sent invitations and CS-WG used its email lists to promote civil society engagement. According to the government, the action plan's development included 105 people, representing 88 institutions: 39 civil society organizations, 39 federal government bodies, and 10 state and municipal government bodies.¹³ While data did not capture gender participation during the consultation stages, gender diversity was actively encouraged. Several women were responsible for commitments, and many more participated in the process.

One innovation of the current consultation process was an additional commitment prioritization stage. During the third action plan, an initial workshop generated one challenge which was considered fundamental to address in order to advance the theme in consideration and the second workshop created the commitment responding to the challenge. In the current plan, the first workshop generated three challenges, which were then voted on for 15 days. The winner went to the second workshop for commitment design. Interviewees from the government and civil society working groups reported to the IRM researcher that this was a major improvement. They noted that this process increased the transformative potential of the final commitments, as it allowed participants to weigh in on ideas that had the greatest potential impact.

Once the commitments were written, they were formally included in the action plan by the GE-CIGA. Civil society members who were interviewed by the IRM researcher believe that the final commitments represent a joint decision. "[C]ivil society and government engaged in all stages" of selecting the commitments,¹⁴ "with a shared diversity of both stakeholder [sectors]."¹⁵

During implementation, the government also employed a detailed methodology.¹⁶ Follow-up meetings were conducted periodically with the government and the CS-WG. During the meetings, milestone developments were reviewed and a rapporteur from each sector commented on the developments. As of the writing of this report, meetings were hosted every six months. The first occurred in November 2018 and was followed by another in June

2019. The meetings included discussion of all commitments. Meetings were livestreamed, and all involved in the consultation phase were invited to participate in advance by email. Meeting minutes were published online afterward.

As a result of the collaboration mechanisms adopted for the consultation and implementation stages, it is clear to the IRM researcher that the commitment text is the product of a transparent, participative, and accountable process run jointly by government and civil society. Those interviewed by the IRM from the government and civil society (CGU and CS-WG) confirm this conclusion. It is also worth mentioning that the themes and milestones reflect the interests of those involved in the process. All stages and documents were made public,¹⁷ as was the decision-making process.¹⁸ According to a civil society representative, “both online and offline stages contributed to the final result.”¹⁹

Co-creation and participation recommendations throughout development

Brazil showed evidence of achievement and strong performance through its multi-stakeholder forum’s diverse composition and clearly outlined mandate, as well as through its communication and outreach efforts during the plan’s development process. As detailed above, this included online and in-person consultations through a process that created a sense of trust between government and civil society.

Regarding communication and outreach efforts, the Executive Group of the Inter-Ministerial Committee on Open Government worked closely with the Civil Society Working Group to outline strategies in an attempt to increase the reach to civil society actors. They used multiple means, such as the Open Government website, the Comptroller-General’s Office of the Union’s institutional page, Facebook, and Twitter.²⁰ Nevertheless, participants in the process see an opportunity to broaden the base. At least 12 interviewees, mostly from civil society, noted that the process is open and participative. However, they expressed a desire for a broader range of actors, apart from those already participating in the process, to be engaged in the activities as well. In future processes, the multi-stakeholder forum can strategize on how to best incorporate their input, for example, by identifying and inviting experts of emerging themes to participate in the consultation process. According to a government representative, “a wider use of communication channels could result in even more participants.”²¹

To improve in these areas, the IRM researcher suggests the following:

1. Continue hosting the annual open government event, but hold parallel satellite events. Such events could include the OGP awareness event of November 2019, co-organized by government and civil society (currently in its 4th edition).²² Expand the audiences by reaching out to civil society organizations across the political spectrum, and promote partnerships with new and more diverse academic institutions.
2. Broaden participation and reach new actors, particularly in areas covered by the action plan, such as anti-corruption issues, environment, land reform, education, and transparency.
3. Promote opportunities to map and document existing open government initiatives unrelated to OGP and their respective key actors. These activities can be used to engage actors who are not included in the current action plan but are still relevant to the OGP process.

¹ In practice, there are only 13 ministries. At the time of this report, the legal decree from 2011 was not yet updated with the new ministerial reforms implemented by the Temer and Bolsonaro presidencies. Originally, CIGA had 18 ministries; however, the following five have changed their ministerial status: Ministry of Finance (now part of the Ministry of Economy); Ministry of Planning, Development, and Management (now part of the Ministry of Economy); Ministry of Sports (now part of the Ministry of Citizenship); Ministry of National Integration

(now part of the Ministry of Regional Development); and Ministry of Social Development (now part of the Ministry of Citizenship). According to CGU, a new decree was drafted but is awaiting approval.

² Government of Brazil, “Ministério da Transparência e Controladoria-Geral da União,” Diário Oficial Da União—Seção 2, 18 December 2018, <http://bit.ly/2YGLKCF>.

³ Acting Contrary to Process—Country did not meet (1) “involve” during the development or “inform” during implementation of the NAP (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

⁴ “IAP2’s Public Participation Spectrum,” IAP2, 2014, <http://bit.ly/337A6jO>.

⁵ Government of Brazil, “4th Brazilian Action Plan,” gov.br, accessed August 2019, <http://bit.ly/2GWosyP>.

⁶ Government of Brazil, “2nd Meeting of Commitment Coordinators of the 4th Action Plan,” gov.br, 27 May 2019, <http://bit.ly/2LX70Qq>.

⁷ Government of Brazil, “Definition of Themes—4th Action Plan,” gov.br, accessed August 2019, <http://bit.ly/2Yyjlzli>.

⁸ Government of Brazil, “Prioritization of Themes for the 4th Brazilian Action Plan,” gov.br, 27 April 2013, <http://bit.ly/2Krc9eO>.

⁹ Government of Brazil, “Definition of Themes—4th Action Plan,” gov.br, accessed August 2019, <https://bit.ly/2YhMlm4>.

¹⁰ OGP, *Devolutiva da Consulta Pública para Definição Dos Temas da Sociedade Civil—Fases 1 e 2* (2018), <http://bit.ly/339FCIG>.

¹¹ Government of Brazil, “Co-Workshops—4th Action Plan,” gov.br, accessed August 2019, <http://bit.ly/2KmkIHG>.

¹² Government of Brazil, “Open Government in States and Municipalities—2nd Co-creation Workshop,” gov.br, accessed August 2019, <http://bit.ly/2OBtHKc>.

¹³ Government of Brazil, *Brazil’s 4th National Action Plan* (OGP, 2018), <http://bit.ly/2YG6N4a>.

¹⁴ Wagner Oliveira (The Department of Public Policy Analysis of Getulio Vargas Foundation), interview with IRM researcher, 13 March 2019.

¹⁵ Vitor Bukvar Fernandes (Unicamp), interview with IRM researcher, 19 March 2019.

¹⁶ Government of Brazil, “4th Brazilian Action Plan—Monitoring and Execution,” gov.br, accessed August 2019, <http://bit.ly/2KkUEfZ>.

¹⁷ Tatiane Pacanaro Trinca (Coordination for the Improvement of Higher Education Personnel), interview with IRM researcher, 15 March 2019.

¹⁸ Paulo Aparecido Farinha (National Institute for Colonization and Agrarian Reform), interview with IRM researcher, 25 March 2019.

¹⁹ Joara Marchezini (Article 19), interview with IRM researcher, 26 March 2019.

²⁰ Tamara Figueiredo (CGU), interview with IRM researcher, 1 November 2019.

²¹ Raquel Aparecida Pereira (Comptroller-General’s Office of the Union), interview with IRM researcher, 21 March 2019.

²² Isis Reis, “3rd Brazilian Open Government Meeting Takes Place in São Paulo, Next Week,” Open Knowledge Brasil, 30 November 2018, <http://bit.ly/2Kjxnew>.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

1. **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
2. **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - Public Accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
 - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
3. **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
4. **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
5. **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').

2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., “26% of judicial corruption complaints are not processed currently.”)?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment’s implementation (e.g., “Doubling response rates to information requests” is a stronger goal than “publishing a protocol for response.”)?

Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments

The action plan focused on nine themes: subnational governments (Commitment 1), an open-data ecosystem (2), open science (3), social control and citizen feedback (4 and 5), transparency in environmental disaster repairs (6), open legislature (7), land transparency (8), climate and water resources (9 and 10), and freedom of information (11).

¹ OGP, “Open Government Partnership: Articles of Governance,” June 2012 (updated March 2014 and April 2015), <https://bit.ly/2lZTbQe>.

² OGP, “IRM Procedures Manual,” <https://bit.ly/2lSoaRv>.

1. Open Government on States and Municipalities

Language of the commitment as it appears in the action plan:

“Establish collaborative governance for the implementation of open government practices at subnational levels.”

1.1. Articulation with entities for the dissemination of concepts and practices on open government

1.2. Mapping and research over good practices and cases about open government

1.3. Development of a distance learning course about open government

1.4. Development of a distance learning course for practical usage of open government tools about multisectoral subjects

1.5. Development of open educational resources to promote training over open government subjects

1.6. Development of a workshop, devoted to subnational entities, at the National Meeting on Open Government

1.7. Presentation of the subject Open Government to CONACI,¹ searching for the engagement of state and municipal internal control bodies.

1.8. Establishment of guidelines to develop a subnational network.

Start Date: January 2018

End Date: July 2020

Editorial note: to see the complete text, visit

<https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2020/>.

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1. Overall		✓	Unclear					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The commitment aims to address the difficulties of disseminating open government concepts and practices among the state and municipal levels, where open government culture is less prevalent. In spite of past improvements, only 9 percent of cities earned a higher standard according to the Brazil Transparency Index.² Further, at least two states (Amapá and Rio de Janeiro) still struggle with transparency in their daily routines.³ Academics have identified the same gap with civic participation and public accountability practices.⁴

To address this problem, this commitment aims to expand the integration of civil society and government agencies in states and municipalities. According to Vanessa Meneguetti (Instituto de Governo Aberto) and Valdênia Santos Souza⁶ (Comptroller-General's Office of the Union), open government practices increase the regional engagement of civil society and government. Gabriela Boechat⁷ (Office of the Mayor of São Paulo) also uses open government to increase freedom of information practices in states and municipalities.⁸

Solutions proposed by the commitment include mapping and researching good practices that can be used at the subnational level (Milestones 1.1 and 1.2). It also calls for promoting these practices through different methods, including distance learning courses, open educational materials, workshops, and presentations at relevant events (1.3–1.7). The commitment encourages sustainability of these efforts, establishing guidelines to develop a subnational network (1.8).

The commitment is specific enough to be verifiable and includes deliverables that can be observed. These deliverables include specific educational materials (e.g., 1.3 and 1.4), events for disseminating the results of the government (1.7), and guidelines for policy implementation (1.8).

The commitment could indirectly address all potential OGP values but fails to do so as it is currently written. For commitments to be considered relevant to OGP values, their milestones need to incorporate a component related to the dissemination of information to the public (i.e., access to information), include some kind of civil society participation component (i.e., civic participation), or improve opportunities for the public to hold officials accountable (i.e., public accountability).

If fully implemented, the commitment will raise awareness of open government practices at subnational levels. This will happen, for example, if new audiences attend the courses and events promoted by the commitment and if best practices and guidelines inspire integration of social society with subnational public bodies. However, because the breadth and depth of the commitment's reach are uncertain, its potential impact is minor. Raising awareness among subnational audiences is, nevertheless, an important first step to promote change.

Next steps

The commitment's relevance is high, and it should be prioritized in future action plans. The federal government is usually more advanced in open government practices than are subnational governments,⁹ as reflected in a wide range of transparency indexes.¹⁰

To increase the commitment's impact, the milestones could include activities that go beyond raising awareness to build capacity. For example, Milestone 1.8 creates guidelines for a subnational network. The next plan could detail how the network would operate. Another possibility is to spearhead implementation of specific open government practices at subnational levels and promote peer learning with OGP participants in Sao Paulo.

¹ Conselho Nacional de Controle Interno, or the National Council of Internal Control.

² CGU, "Overview of Municipal Governments: Transparent Brazil Scale—3rd Assessment," 2018, <http://bit.ly/2LY67oS>.

³ CGU, "Overview of State Governments: Brazil Transparent Scale: 3rd Evaluation," 2018, <http://bit.ly/334eXH2>.

⁴ Thiago Ferreira Dias, Anna Rodrigues Garcia, and Natalia Camilo, "Um Olhar sobre o Governo Aberto no Nível Subnacional: O Índice Institucional do Governo Municipal Aberto nas Principais Cidades do Brasil," *GIGAPP Studies Working Papers* 6, no. 115 (2019), <http://bit.ly/2YAKVHC>.

⁵ Interview with IRM researcher, 14 March 2019.

⁶ Interview with IRM researcher, 21 March 2019.

⁷ Interview with IRM researcher, 13 March 2019.

⁸ CLP, "Cities Must Work on Open Government Initiatives Too," 2017, <https://www.clp.org.br/os-municipios-precisam-trabalhar-iniciativas-de-governo-aberto/>.

⁹ Ibid.

¹⁰ Amorim Almada, E-transparência: proposta de modelo metodológico para avaliação de portais de executivos nacionais, 2016, <https://www.e-publicacoes.uerj.br/index.php/logos/article/view/19601>

2. Open Data Ecosystem

Language of the commitment as it appears in the action plan:

“Create an open data ecosystem in order to advance beyond the disclosing and availability of databases, reaching a scenario that guarantees its effective usage.”

- 2.1. Identification of actors on society and on the 3 governmental spheres¹
- 2.2. Mapping of the existing models of disclosing data
- 2.3. Identification of potentialities and limits of the existing models
- 2.4. Drafting of a reference model structure
- 2.5. Production of text for each topic from the reference model
- 2.6. Hold a public consultation about the text produced for the reference model
- 2.7. Communication plan and disclosure of the model for the 3 spheres of government and the civil society
- 2.8. Reference model launching
- 2.9. Dissemination of the reference model

Start Date: January 2018

End Date: July 2020

Editorial note: to see the complete text, visit

<https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2020/>.

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Overall		✓		✓		✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment aims to create an open data ecosystem to promote effective usage of public data, an issue identified during the consultation phase as a critical challenge to advancing open data adoption in Brazil.² The effective use of open data has been identified as a key area for promoting open government,³ and research has shown the importance of supporting an open data ecosystem to increase open data use.⁴

To address this usage problem, the commitment aims to foster the disclosure and usage of federal, state, and municipal government data to meet society's demands. This includes co-creating with civil society a model for disclosing data (Milestones 2.1–2.6) and promoting the model among the different levels of government (2.7–2.9). Consequently, the commitment is relevant to access to information, given the improved data standards and the dissemination of the reference model. It is also relevant to the value of civic participation, given the co-creation nature of Milestone 2.1 and the public consultation component of Milestone 2.6. Interviewees agree, arguing the commitment advances transparency by boosting uses of open data.⁵ They also note that it advances civic participation by engaging government and nongovernment stakeholders in assessing open data needs.⁶ Nevertheless, although the commitment develops a model designed to advance access to information, the commitment

falls short of being relevant to this OGP value. It only disseminates the model and does not include concrete steps to put it into practice.

The commitment is specific enough to be verifiable, and all milestones have a specific deliverable. Deliverables include mapping existing ecosystem models (Milestone 2.2), drafting a reference model structure (2.4), and holding a public consultation on the model (2.6).

The commitment has a minor potential impact. It could bring important advances in the adoption of an open data culture across the government. This potential can be achieved if policy implementation milestones are deployed on time and in full. The milestones of the commitment, as designed, do not include policy implementation and stop at the policy dissemination stage.

Next steps

The commitment is highly relevant and should be prioritized in future action plans if it is focused on increasing the adoption and impact of the developed standards. In the views of a civil society representative interviewed, an open data model can create “integration of open datasets amongst national and subnational governments” as well as “more opportunities for civic participation in open data processes.”⁷ The commitment also has the potential to “increase the use of data by civil society organizations and companies” and “increase the channels for civil society to require government to open more datasets.”⁸ It will also increase the capacity of cities to open data.

To increase the commitment’s potential impact, milestones related to launching and promoting the reference model (2.8 and 2.9) need to be deployed on time and in full. If this is done, there could be an opportunity to understand how the new model is promoting new uses of open datasets for transparency and accountability, and how the implemented model institutionalized civic participation with open data.

¹ “Government spheres” refer to the branches of government.

² Government of Brazil, “Open Data Ecosystem—1st Co-creation Workshop,” gov.br, accessed August 2019, <https://bit.ly/2D2c3Hw>.

³ José Antônio de Carvalho Freitas, Remis Balaniuk, Ana Paula Bernardi da Silva, and Vitoria Santiago da Silveira, “O Ecossistema de Dados Abertos do Governo Federal: Um Estudo sobre a Composição e Desafios,” *Ci.Inf.*, Brasília, DF 47, no. 2 (26 September 2018), <https://bit.ly/2FXqZqX>.

⁴ Lairson Emanuel R. de Alencar Oliveira, Marccelo Iury S. Oliveira, and Bernadette Farias Lóscio, *Um Survey sobre Solucoes para Publicacao de Dados na Web sob a Perspectiva das Boas Praticas do W3C* (2015), <http://sbbd.org.br/2017/wp-content/uploads/sites/3/2018/02/p148-159.pdf>.

⁵ Wagner Oliveira (Fundação Getulio Vargas), interview with IRM researcher, 13 March 2019.

⁶ Carmela Zigoni (Inesc), interview with IRM researcher, 15 March 2019.

⁷ Ibid.

⁸ Jarbas Lopes Cardoso Junior (Ministry of Science, Technology, Innovation, and Communication), interview with IRM researcher, 13 March 2019.

3. Innovation and Open Government in Science

Language of the commitment as it appears in the action plan:

“Improve governance instruments on Science for the advance of open Science.”

- 3.1. Implementation of an interinstitutional network for Open Science
- 3.2. Accomplishment of a national and international diagnose of Open Science
- 3.3. Establishment of principles and directives for institutional policies of support to Open Science
- 3.4. Promote actions for the awareness, participation and training over Open Science
- 3.5. Articulation with funding agencies for the implementation of support actions over Open Science
- 3.6. Articulation with scientific editors for the implementation of support actions over Open Science
- 3.7. Implementation of pilot federated infrastructure of research data repositories
- 3.8. Proposition of interoperability patterns for research data repositories
- 3.9. Proposition of a group of indicators for measuring maturity on Open Science

Start Date: January 2018

End Date: July 2020

Editorial note: to see the complete text, visit

<https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2020/>

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Overall		✓	✓	✓		✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

“Open science” is the practice of science in such a way that individuals can collaborate with and contribute to research data, lab notes, and other research processes.¹ The commitment aims to advance the use of open data and open data practices in scientific research. It seeks to improve governmental support for open science and clarify the available data produced by Brazilian research. The commitment is aligned with a starred commitment from the prior plan, Digital Education Resources,² and is of interest to several government and civil society actors.³

During the consultation phase, issues were raised by government and civil society that justify the commitment, including a lack of data standards and policies for open

science data.⁴ Stakeholders also noted the need to increase governance of open science datasets.⁵ The IRM researcher interviewed stakeholders who argued that the commitment aims to advance institutional adoption of open science standards,⁶ promote open source outcomes of scientific innovation,⁷ and increase the transparency of government investments in research.⁸

The commitment proposes implementing an inter-institutional network for open science (Milestone 3.1), developing principles and institutional policies to support open science (3.2 and 3.3), raising awareness about open science (3.4), encouraging funders to support other open science practices in their scientific funding activities (3.5), and piloting a federal repository for research data (3.7). That repository would that allow for interoperability across datasets (3.8) and measure the maturity of open science (3.9).

The commitment is specific enough to be verifiable, but the scope and scale of its milestones are unclear. For example, Milestone 3.1—“accomplishment of a national and international diagnose of Open Science”—does not provide enough information to understand the result that it aims to achieve. For guidance and accountability purposes, the activities involved in this commitment could include more precise language and more information to determine their purpose and expected results.

In interpreting the language of the commitment, the IRM researcher considers that the commitment is relevant to access to information and civic participation, as highlighted by the use of open data and the collaborative practices by which the commitment institutionalizes open science practices, respectively. The publication of open datasets and the use of open standards for data sharing also make the commitment relevant to technology and innovation.

The commitment has a moderate potential impact. Considering that it includes open science tasks related to policy design (e.g., Milestones 3.1–3.3)—and that it supports policy implementation (3.5–3.7), policy monitoring, and control (3.8 and 3.9)—the commitment could considerably increase the institutionalization of open science practices at institutional levels in Brazil. However, the lack of information to assess the commitment’s scope keeps it from reaching a higher potential impact.

Next steps

While the commitment is highly relevant, it need not be included in future plans if it is fully implemented. To increase its potential impact, the commitment can promote documentation practices and the transfer of knowledge to other areas of policy research. With that promotion, open science achievements and practices can be used as default practices to address other challenges faced by government and civil society.

¹ “Open Science Definition,” FOSTER, 2018, <http://bit.ly/2KeonID>.

² See Commitment 6 of the end-of-term report for more details, <https://bit.ly/2mdnXZx>.

³ For example, see the activities documented by The Oswaldo Cruz Foundation (“Open Science,” accessed August 2019, <http://bit.ly/2LWNFX6>).

⁴ Government of Brazil, “Innovation and Open Government in Science—1st Co-creation Workshop,” 2018, <https://bit.ly/2lhW6Ar>.

⁵ Government of Brazil, “Innovation and Open Government in Science—2nd Co-creation Workshop,” 2018, <https://bit.ly/2uQAYsX>.

⁶ Milena Ambrosio Telles (Embrapa), interview with IRM researcher, 20 March 2019.

⁷ Neide Alves Dias De Sordi (Open Knowledge), interview with IRM researcher, 20 March 2019.

Version for public comments: please do not cite

⁸ Tatiane Pacanaro Trinca (Coordination for the Improvement of Higher Education Personnel), interview with IRM researcher, 15 March 2019.

4. Strengthening Public Oversight over the Food and Nutrition Security National Plan – PLAN SAN

Language of the commitment as it appears in the action plan:

“Increase the participation and public oversight over the Nutrition Security Policy.”

- 4.1. Mapping of existing distance learning actions in execution
- 4.2. Construction of a converging agenda for qualifications on Food and Nutrition Security (SAN) and Human Right to Adequate Food (DHAA)
- 4.3. Execution of two rounds of state seminars about public oversight over Food and Nutrition Security (SAN)
- 4.4. Offer 3 distance learning courses over Food and Nutrition Security (SAN) and Human Right to Adequate Food (DHAA)
- 4.5. Availability of courses on a virtual platform
- 4.6. Inclusion of subjects about Food and Nutrition Security (SAN) and Human Right to Adequate Food (DHAA) on courses provided by ENAP

Start Date: January 2018

End Date: July 2020

Editorial note: to see the complete text, visit

<https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2020/>.

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Overall		✓		✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment aims to increase public participation and oversight of nutrition security policy, address difficulties faced by public servants and civil society, and promote intersectoral solutions. Participants in the consultation stages voiced a need for increased civic participation in the monitoring of nutrition security policies and the promotion of national and subnational collaboration.¹ Academic analysis supports civic participation in nutrition security plans and has linked it to improvements in such plans.² It should also be noted that the Nutrition Security Councils—participatory councils mandated by law—have been linked to an increase in nutrition public service delivery.³

Academics echo a need to increase public participation in the creation and implementation of nutrition security policies across the country.⁴ One municipal employee from Rio de Janeiro argues that nutrition security policies, particularly those at subnational levels, are struggling to sustain previous levels of civil society and government collaboration.⁵

This commitment proposes raising awareness around Food and Nutrition Security (SAN) and the Human Right to Adequate Food (DHAA) policies through seminars (Milestone 4.3) and through the design and implementation of distance learning courses (4.1, 4.4–4.6).

Additionally, it seeks to create a converging agenda for the development of training related SAN and DHAA through the National Council for Food and Nutrition Security (CONSEA) (4.2). Made up of civil society and government representatives on a two-to-one ratio, respectively, CONSEA provides an institutional space that inherently requires and yields significant influence to civic participation in the creation of this agenda.⁶

The commitment is verifiable, and its milestones promote increased awareness of nutrition security policy. However, the commitment has a minor potential impact. It focuses on the creation and strengthening of capacity building programs, and it does not measure how this focus will increase citizen engagement and oversight of the country's nutrition security policy.

Next steps

If fully implemented, the commitment does not need to be included in the next action plan. The commitment's potential impact could be magnified by ensuring that civic participation is prioritized through its multiple activities, as it is the case for Milestone 4.2. The distance learning courses, for instance, could be designed and delivered in collaboration with civil society and could be targeted to broader audiences. Additionally, there is an opportunity to promote and support best practices for civil society and government to collaborate in the design and delivery of policies. Too, getting the right actors and a sufficient number of them is critical. So there must be adequate proactive outreach to ensure sufficient participation.

¹ Government of Brazil, "Strengthening Social Control of the National Food and Nutrition Security Plan—PLANSAN—1st Co-creation Workshop," gov.br, accessed August 2019, <https://bit.ly/2Umw3z7>.

² Ana Vasconcellos and Leides de Moura, "Food and Nutritional Security: Situation Analysis of Decentralization in the National Public Policy," *Cad. Public Health* 34, no. 2 (1 March 2018), <https://bit.ly/2l2nRxt>.

³ Patricia Constante Jaime, "Why Is the National Food and Nutrition Security Council Needed?" *Journal da USP* (7 January 2019), <https://bit.ly/2le7wVQ>.

⁴ Mick Machado, Cristine Garcia Gabriel, Claudia Soar, Gisel Rockenbach Mamed, Patricia Maria de Oliveira Machado, Josimari Telino de Lacerda, Milena Correa Martins, and Maria Cristina Marcon, "Compliance with Guidelines by State Plans for Food and Nutritional Security in Brazil," *Cad. Public Health* 34, no. 1 (5 February 2018), <https://bit.ly/2D1gBhb>.

⁵ Márcia Valéria O. do Nascimento (Rio de Janeiro's Secretariat on Science, Technology, Innovation, and Social Development), interview with IRM researcher, 21 March 2019.

⁶ The Food Foundation and Institute of Development Studies, *Brazil's Policies to Guarantee Food Rights* (July 2017), https://foodfoundation.org.uk/wp-content/uploads/2017/07/5-Briefing-Brazil_vF.pdf.

5. Analysis over the User's Satisfaction and ANTT¹ Regulation Social Impact

Language of the commitment as it appears in the action plan:

"Optimize the data collecting process about users' satisfaction with services and effective upgrades over these services."

- 5.1. Internal mapping of necessary data for the evaluation of services
- 5.2. Mapping of options of data collecting tools
- 5.3. Feasibility study to establish search tools
- 5.4. Define a strategy to select the tool
- 5.5. Implement the strategy to select the tool
- 5.6. Tool selection

Start Date: January 2018

End Date: July 2020

Editorial note: to see the complete text, visit

<https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2020/>.

Commitment Overview	Verifiability		OGP Value Relevance (as written)		Potential Impact		Completion		Did It Open Government?									
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major
5. Overall		✓	Unclear					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.			

Context and Objectives

In 2017, legislation was passed requiring civic participation in the monitoring of public service delivery.² However, this legislation has not yet been properly implemented in the transportation system.³ Responding to this challenge, this commitment seeks to optimize data collection on users' satisfaction with transportation services, including roads, railroads, and interstate buses.

The commitment proposes identifying data collection tools (Milestones 5.1 and 5.2) and selecting them (5.3–5.6). The commitment is specific enough to be verifiable, but it is not directly relevant to any OGP values. While the commitment could improve data collection about transportation satisfaction, its milestones do not include a public-facing element. The milestones also do not directly engage the public or improve conditions for civic participation or public accountability.

If fully implemented as designed, the commitment will have a minor impact on optimizing the data collection process and encouraging society participation, due to its limitation in scale. The commitment tackles the creation of the tool, but not its implementation or strategies to promote its uptake among transportation users.

Next steps

This commitment is an important precursor for better engaging the public on transportation issues and could be pursued in future action plans. To increase the commitment's impact, its milestones could clarify how citizen feedback will drive government actions. The suggested criteria for selecting the tool, for instance, could prioritize clear and direct channels for citizen input to reach decision makers. Also, information on how that feedback has been acted on could be made public.

¹ Agência Nacional de Transporte Terrestres, or National Terrestrial Transport Agency.

² President of the Republic (Brazil), "Provides for Participation, Protection and Defense of the Rights of Users of Public Services of Public Administration," Law No. 13,460, (26 June 2017), <http://bit.ly/2KswFvg>.

³ Government of Brazil, "User Satisfaction Analysis and Social Impact of ANTT Regulation—1st Co-creation Workshop," gov.br, accessed August 2019, <https://bit.ly/2l5mZs2>.

6. Transparency and Public Oversight over Mariana's Reparation Processes and Other Municipalities in the Region

Language of the commitment as it appears in the action plan:

"Promote transparency, public oversight and access to information with people involved on the repair process."

6.1. Mapping process to identify requested information, on the Transparency Portal, coming from the affected ones and its Municipalities

6.2. Development of the Renova's Transparency Portal, with accessible language, prioritizing data in open formats

6.3. Held of dissemination campaigns over the Transparency Portal

6.4. Viability study over the establishment of a technical scientific knowledge repository

6.5. Promote training over transparency and access to information for managers and technicians, on affected states and municipalities

6.6. Promote training to the affected ones in order to promote monitoring processes over public policies in articulation to technical advisory services

6.7. Training workshops about risks managing over dam ruptures to the Municipalities City Halls

Start Date: January 2018

End Date: July 2020

Editorial note: to see the complete text, visit

<https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2020/>.

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6. Overall		✓	✓	✓		✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

In 2015, a privately owned dam broke, destroying Mariana city and its surroundings and killing 19 people.¹ The Samarco disaster is described as one of the worst environmental disasters in Brazil's recent history.² Samarco exposed the complex legal system and policy aspects surrounding disaster recovery in Brazil,³ including the challenge of claiming damages, holding government and private sector actors responsible, coordinating collective claims, and evaluating the impact of public policies in areas such as labor and environment. This commitment aims to promote transparency, public oversight, and access to information regarding these recovery processes.

Citizen monitoring is vital to ensure an effective disaster recovery process and to avoid future disasters, a threat identified for other dams in the region.⁴ Sadly, a similar disaster, the Vale disaster, occurred in the region in 2019, killing more than 200 people in the city of Brumadinho.⁵ The commitment proposes mapping information requests from the

Transparency Portal initiated by those affected by the Samarco disaster. The portal was deployed as a joint project by government and civil society (Milestone 6.1).⁶

The commitment also involves developing and launching a thematic transparency portal, in partnership with the civil society organizations (CSOs) in charge of the portal (as authorized by the government).⁷ This portal would group the information and activities already done for recovery in certain areas and among certain populations. The new portal will include technical, scientific knowledge and use open data standards (6.2–6.4). Similarly, it will train citizens to use the portal to prevent future disasters (6.5–6.7).

The commitment is specific enough to be verifiable. It has a component related to the dissemination of information to the public (e.g., information on repairs is published online) and another component of civic participation (e.g., the government has empowered civil society to run the initiative).

Raquel Aparecida Pereira from the Comptroller-General's Office of the Union (CGU)⁸ notes the commitment's contribution to transparency through aspects related to freedom of information, civic participation, and the use of established councils, including those directly related to subnational administrations. Valdênia Santos Souza (also CGU) commends the commitment's impact on public accountability,⁹ arguing that access to information in such contexts leads to opportunities for social control.

Nevertheless, according to IRM standards, in order for a commitment to be relevant to public accountability, it must effectively provide a mechanism for government to justify its actions. This commitment does not fulfill that requirement. As argued by both sources, however, the access to information and civic participation activities do promote citizen use of the governmental process of damage repairs, either by easing access to public information or by offering contact channels to start the process outside of the portal.

The innovations of this commitment include a formal collaboration agreement between the Renova Foundation, a CSO established to address the Samarco disaster, and the CGU. The commitment also allows any user of the portal to suggest policies and encourages new forms of civic participation.¹⁰

The commitment has a moderate potential impact. Its objective mainly aims to improve public accountability, but the milestones are restricted to access to information and capacity building activities. Additionally, the fact that the Renova Foundation, and the portal, date prior to the start of the commitment makes it difficult to evaluate what the contribution of the commitment will be during the action plan period. However, the broad scope of the commitment should be noted. It includes a wide range of partners from civil society and government. In addition, the activities listed in the portal related not only to the Samarco disaster but also to other natural events that have taken place in the region.

The transparency portals and collaborative mechanisms will allow civil society not only to monitor the recovery, but also to partner with the government in assessing affected individuals requiring compensation. This will accelerate the process and allow civil society to act as witness to the recovery progress. These are innovations for Brazil. For example, before the commitment, all victims had to individually gather resources and sue for relief, despite being members of the same family. The main new portal allows families to seek relief en masse. Another transformation is the capacity of both portals to advertise events and align stakeholders, thereby increasing the efficiency of repairs. In terms of transparency, both portals track which materials are scarce. This is important given the recurring nature of such disasters in the region.

Next steps

The commitment should be prioritized in future action plans. Similar threats to dams and other environmental disasters could be monitored. The innovations from this commitment can strengthen open government initiatives in disaster recovery and mitigation. One key area of improvement is to shift action on environmental disasters from being reactive to being proactive. This can be done, for example, by promoting civic participation activities for specifically monitoring public or private infrastructure.

To increase the commitment's potential impact, its milestones could highlight activities conducted by the Renova Foundation portal. These activities include establishing on-site offices to guide civic monitoring and repairs in the region, creating accountability materials, constructing budget transparency tools, and documenting best practices for future use.

¹ Adriano de Oliveira Dias, Gustavo Silveira da Luz, Viviane Kraieski de Assuncao, and Teresinha Maria Goncalves. "Mariana, the Biggest Environmental Disaster in Brazil: An Analysis of the Social and Environmental Conflict," in *Territorial Planning and Management: The Sustainability of Urban Ecosystems* (Criciuma, SC: EDIUNESC, 2018), <http://bit.ly/2OEVBpP>.

² Ibid.

³ Mariane Morato Stival and Sandro Dutra e Silva, "The Disaster of the Mining Dam in Mariana and the Impacts on International Environmental and Brazilian Law," *Revista Direito Ambiental e Sociedade* 8, no. 2 (2018), <https://bit.ly/2WKYZh8>; Carlos de Freitas, Mariano da Silva, and Fernanda de Menezes, "The Samarco Mining Dam Disaster—Exposed Fracture of Brazil's Limits in Disaster Risk Reduction," *Cienc. Cult.* 68, no. 3 (July/September 2016), <https://bit.ly/2G2oBiW>.

⁴ Nathalia Passarinho, "Dam Inspection: Federal Control Agency Is 2nd Most Exposed to Fraud and Corruption, Says TCU," BBC, 13 February 2019, <https://bbc.in/2Klyuu0>.

⁵ Renata Okumura, "Sobe para 224 o Número de Mortos Identificados na Tragédia de Brumadinho," *Estadão*, 7 April 2019, <http://bit.ly/2T3YE8x>; "Repeated Tragedy: Brumadinho Barrier Breaks and Punishes Minas Gerais Again," *GI*, 27 January 2019s, <https://glo.bo/2Uk9LK3>.

⁶ Fundação Renova website, <https://www.fundacaorenova.org/>.

⁷ The Pathway to Reform website, <https://www.caminhodareparacao.org/>.

⁸ Interview with IRM researcher, 21 March 2019.

⁹ Interview with IRM researcher, 21 March 2019.

¹⁰ Carolina Gonçalves, "Government Publishes Resolution Determining Dam Inspection," *Agência Brasil*, 29, January 2019, <https://bit.ly/2G8SbVx>.

7. Transparency in the Legislative Process

Language of the commitment as it appears in the action plan:

“Increase the participation of various social segments involved in the legislative process.”

7.1. Unified thesaurus/ binding description of legislative terms

7.2. Implementation of harmonization over the identification of bicameral legislative propositions

7.3. Provision of initial texts from legislative proposals, articulated on LEXML format, electronically presented, according to the Act no 95/2998.

7.4. Presentation of information on the progress of bills, with an estimate citizen oriented legislative track on institutional portals

7.5. Propagation of materials to explain the legislative process to citizens, considering public diversity

7.6. Participation on 2 national events to share the commitment actions

7.7. Update the Open Parliament Guide based on the lessons learned during the commitment execution

Start Date: January 2018

End Date: July 2020

Editorial note: to see the complete text, visit

<https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2020/>.

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
7. Overall		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment aims to increase public participation in the legislative process by addressing the difficulties citizens have in understanding how proposed legislation becomes law. The commitment will improve the integration of congressional administrative and legislative processes and better publicize which stage bills are in and how they are discussed in the legislature. During consultation, justifications for the commitment included the lack of transparency in how bills change during the law-making process, the need to increase citizens' understanding of legislative processes, and the high technical expertise necessary for understanding legislative procedures.¹

The IRM researcher received feedback on this commitment from three public servants from the lower house of Congress (Antonio Neto,² Vanderlei Batista dos Santos,³ and Thiago Gomes Eirão⁴) and two members of the Civil Society Working Group (Fernanda Scovino⁵ and Rodrigo Roll⁶). They all agreed on the need to increase the accessibility of knowledge for citizens regarding the legislative process. They also agreed on the impact such access could have on open governance.

The commitment proposes creating a dictionary of legislative terms (Milestone 7.1), harmonizing language used by the lower house and the Senate for similar processes (7.2), using technology to publish information on the progression of bills (7.3 and 7.4), raising awareness of these materials (7.5 and 7.6), and documenting these improvements to encourage adoption of similar tools in subnational legislative houses (7.7).

The commitment is specific enough to be verifiable. It addresses the value of access to information by making existing information more accessible and comprehensive.

Similar efforts have been undertaken by other organizations. For example, LabHacker, an innovation lab inside the government, has led regular improvements on how bills are presented to the public since 2013.⁷ Other organizations such as the National Union of the State and Municipal Legislative Houses (UNALE) have been working to address similar issues since 1996. However, these efforts have been limited in scope. LabHacker, being part of the structure of the House of Representatives, faces limitations in advancing initiatives involving the Senate, and UNALE's activities are restricted to state legislatures. This commitment's potential impact is, therefore, moderate. For the first time, the House of Representatives and the federal Senate will be working together on an initiative to standardize legislative information, including the language and number of proposals in both houses.

Next steps

This commitment is highly relevant, as seen in the context section. However, if the milestones are completed, the commitment does not need to be included in the next action plan. Inclusion of the legislative branch started in the third action plan. That plan addressed a request made by the IRM researcher in the second action plan to expand partners of the plan beyond the federal executive branch.

To increase the commitment's potential impact, its implementation should include more actors from civil society and institutionalize their participation and training. Such inclusion would make the commitment relevant to civic participation. According to the participant list, only two civil society organizations (IBCCrim⁸ and Pulso Público) participated in the consultation phase. Additionally, two civil society members interviewed by the IRM researcher (Fernanda Scovino⁹ and Rodrigo Roll¹⁰) emphasized that—in spite of the innovative and positive milestones of the commitment—a more structured form of civil society participation in the process is desi

¹ Government of Brazil, "Transparency of the Legislative Process—1st Co-creation Workshop," gov.br, accessed August 2019, <https://bit.ly/2uZHxYD>.

² Interview with IRM researcher, 15 March 2019.

³ Interview with IRM researcher, 15 March 2019.

⁴ Interview with IRM researcher, 13 March 2019.

⁵ Interview with IRM researcher, 5 April 2019.

⁶ Interview with IRM researcher, 5 April 2019.

⁷ Andrew Young, Jeffrey Brown, Hannah Pierce, and Stefaan Verhulst, *People-Led Innovation: Toward a Methodology for Solving Urban Problems in the 21st Century* (GovLab and Bertelsmann Foundation, January 2018), <https://bit.ly/2QWesbt>.

⁸ Instituto Brasileiro de Ciências Criminais, or Criminal Science Brazilian Institute.

⁹ Interview with IRM researcher, 5 April 2019.

¹⁰ Interview with IRM researcher, 5 April 2019.

8. Land Transparency

Language of the commitment as it appears in the action plan:

“Integrate data bases produced by public administration bodies on a single registry, urban, rural, ensuring citizens access to the data.”

8.1. Chief of Staff Office involvement on the discussion about the establishment of the CNIR¹

8.2. Definition made by INCRA² and Federal Revenue about cartographic information hosting at CNIR³

8.3. Government presentation about data categories that form CNIR as well as the associated data bases

8.4. Presentation by Civil Society about CNIR data demands as well as to associated bases

8.5. Establishment of a Civil Society and Government Committee to follow up the implementation of the public interface from CNIR

8.6. Accomplishment of a workshop to present and discuss the public interface of CNIR with citizens

8.7. Propose an urban registry model

8.8. Conclusion of the specifications, definitions and implementation of SIGEF 2.0⁴

8.9. Promotion of a partnership for the accomplishment of a study to analyze initiatives from the Public Administration related to the urban and rural registry, with a presentation of proposals of technical solutions for the establishment of a national policy registry, preferably by specialized consultation.

Start Date: October 2018

End Date: July 2020

Editorial note: to see the complete text, visit

<https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2020/>.

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Overall		✓	✓	✓		✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment aims to consolidate land information and make it available to government and civil society. The commitment will produce a unified, complete, updated, and geo-referenced registry of urban and rural land properties. During the co-creation workshops, participants noted that land registries are fragmented, closed, and generally not geo-referenced. These insufficient registries do not enable (or even allow) government or civil society to monitor public policies on land registration.⁵ Civil society analyses have documented the problem, emphasizing clear challenges for social control on issues that include land rights, minority rights, and environmental rights.⁶ Problems include the cost of

information access, consistency, cases of possible corruption, and impunity of public servants and others involved in land registry processes.

The IRM researcher interviewed three stakeholders about this commitment. They voiced a desire to increase the culture of open data among public servants dealing with land registration (Paulo Aparecido Farinha, INCRA);⁷ the need to promote social control and open data transparency, as both are currently lacking (Vitor Bukvar Fernandes, Unicamp);⁸ and the need to connect civil society organization efforts to public servants currently in charge of land registration (Ana Paula Valdiones, Observatório do Código Florestal).⁹

The commitment proposes the development of a draft proposal, led by the government, to create a new registry (Milestones 8.1–8.3). That draft would be followed by civil society feedback, including the establishment of a civic participation mechanism to implement the proposal (8.4–8.6). The activities would conclude with the final design for an urban land registry and its launch (8.7–8.9).

The commitment is specific enough to be verifiable and is relevant to two OGP values: access to information and civic participation. The commitment addresses access to information by proposing an urban registry model, and it addresses civic participation by designing the model through civil society consultation.

The commitment has a moderate potential impact, mostly due to the existing low level of open government practices in land management, as reported by government and civil society interviewees. Gains in transparency are important, particularly due to the national scope of the database, the novelty of the data made available, its open format, and the removal of charges to access it. The commitment is, nevertheless, limited in scope, as it does not include any provisions to promote the adoption of the registry. To achieve a greater potential impact, the commitment should also seek to promote the registry's adoption.

Next steps

The commitment is highly relevant, although its milestones, if completed, are of less interest for future action plans. Integrating rural land information addresses the only starred commitment of the second action plan (promoting land transparency in rural Brazil) and the commitment that received the most votes by civil society during the consultation phase. As reported by the IRM researcher in the final report of the previous action plan, the rural database was identified as a major improvement in access to information in Brazil. This was due to the scope of changes it brought. Detailed information was organized and provided to all rural areas of Brazil for the first time. The database also brought down the costs of corruption and inefficiencies associated with the previous process. This commitment can expand the previous database with urban data and promote open government practices related to access to information.

To increase this commitment's potential impact, future milestones should focus on the uses of the information registry system. That is, once the information is made public, what are the policies of government that will be improved by the use of the data, and what civil society and private sector activities will be improved by the new portal? It is also important that the registry continue to be monitored, that civil society participate in such monitoring, and that the unified registry design be implemented.

¹ Cadastro Nacional de Imóveis Rurais, or National Rural Properties Cadaster.

² Instituto Nacional de Colonização e Reforma Agrária, or National Institute of Colonization and Agrarian Reform.

³ Cadastro Nacional de Imóveis Rurais, or National Registry of Rural Land.

⁴ SIGEF 2.0 is the INCRA information management system.

⁵ Government of Brazil, "Land Transparency—1st Co-creation Workshop," gov.br, accessed August 2019, <http://bit.ly/2T215sm>.

⁶ Dário Cardoso Jr., Rodrigo Oliveira, and Brenda Brito, *Transparency of State Land Agencies in the Legal Amazon* (Bethlehem: Imazon, 2018), <https://bit.ly/2EURrUP>.

⁷ Interview with IRM researcher, 25 March 2019.

⁸ Universidade Estadual de Campinas, or Campinas State Univeristy.

⁹ Interview with IRM researcher, 13 March 2019.

9. Open Government and Climate

Language of the commitment as it appears in the action plan:

“Improve the planning and management of the Climate Policy counting with effective civic participation.”

9.1. Identification and mapping of studies and academics articles that record impacts on climate change

9.2. Identification and mapping of documents, as well as national and international experiences over reviews about policies and actions related to climate changes

9.3. Scope definition about policies and target actions of the evaluation

9.4. Identification and mapping of relevant actors for the evaluation of actions and policies associated to climate changes

9.5. Execution of a public event to discuss the methodology, scope and indicators

9.6. Definition of indicators and methodology to be applied over the evaluation

9.7. Proposal for a management and responsibility mechanism

9.8. Definition of a disclosure channel for the mechanism as well as the disclosure of its results

Start Date: January 2018

End Date: July 2020

Editorial note: to see the complete text, visit

<https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2020/>.

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
9. Overall		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment aims to improve the planning and management of climate policies and to promote effective civic participation. Environmental and climate organizations and government agencies were not directly engaged in the first two action plans, but climate change gained interest among stakeholders from 2016 onward.¹ While there were climate initiatives around access to information and transparency, there were no strong, formal mechanisms for civic participation. To address this problem, the commitment will promote structured forms of participation related to climate management. During the consultation process, participants said that the commitment should address the lack of public, integrated climate policies and the insufficient civic participation in the management and planning of such policies.² The commitment is aligned with environmental civil society organizations, who argued that open government practices in Brazil can improve governmental climate actions.³

Two government employees discussed this commitment with the IRM researcher. Andréa Araújo (Ministry of Science, Technology, Innovation, and Communication)⁴ argued that civil society contributions bring valuable expertise to the design of climate indicators. Milena Ambrosio Telles⁵ (Embrapa)⁶ highlighted the importance of using open data to generate evidence-based research and orient policy decision-making processes.

The commitment proposes gathering academic articles and best practices on climate evaluation (Milestones 9.1 and 9.2), planning evaluation activities like mapping climate change actors, defining indicators, running an awareness campaign (9.3–9.7), and publishing final evaluation results (9.8).

The commitment is specific enough to be verifiable, and it addresses access to information through the public discussion of methodology, scope, and indicators.

The commitment has a minor potential impact. The milestones are limited to preliminary stages of stakeholder collaboration and do not include policy implementation.

Next steps

The commitment addresses the highly relevant issue of climate change. However, if the milestones are completed, they need not be carried forward in future plans. This commitment builds upon climate-related commitments in the previous action plan, suggesting a trend of government and civil society interest in the issue.

To increase their impact, the milestones could include policy implementation and monitoring, institutionalize civic participation, and use open science and open data mechanisms.

¹ “29 November 2016: 1st Brazilian Open Government Meeting,” Imaflora, accessed August 2019, <http://bit.ly/2YFKKe3>.

² Government of Brazil, “Open Government and Climate—1st Co-creation Workshop,” gov.br, accessed August 2019, <http://bit.ly/2yGIWry>.

³ Mark Robinson, Eliza Northrop, Peter Veit, and Jessica Webb, “Open Government Reforms Accelerate Climate Action and Sustainable Development,” World Resources Institute, 15 February 2018, <http://bit.ly/2YCOQn7>.

⁴ Interview with IRM researcher, 13 March 2019.

⁵ Interview with IRM researcher, 20 March 2019.

⁶ Empresa Brasileira de Pesquisa Agropecuária, or Brazilian Agricultural Research Corporation.

10. Open Government and Water Resources

Language of the commitment as it appears in the action plan:

“Turn water issues priority on public policies agenda through a better planning, monitoring process and evaluation of impacts from management instruments.”

10.1. Mapping and selection of critical areas

10.2. Workshops to train and evaluate the National System for Information on Hydric Resources (SNIRH) for basin committee and civil society.

10.3. Online survey about the National System for Information on Hydric Resources (SNIRH)

10.4. Mapping and registration, on a public document, about missing information on SNIRH

10.5. Evaluation and prioritization of changing suggestions for the SNIRH as well as missing information on the System, including alteration planning to be executed involving government and civil society.

10.6. Implementation of improvement actions on SNIRH considered feasible until the end of the 3o Action Plan period

10.7. Report on the information appropriation of SNIRH by the basin committees in critical selected areas

10.8. Training for the development of networks with representatives of different segments that participate in collegiate instances of the National System for Hydric Resources Management (SINGREH)”

Start Date: January 2018

End Date: July 2020

Editorial note: to see the complete text, visit

<https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2020/>.

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
10. Overall		✓	✓	✓		✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment aims to improve water management information, particularly data for water-critical areas. The commitment seeks to make water issues a priority on public policy agendas and create public monitoring and evaluating mechanisms. During consultation, participants noted challenges around water policy. These included insufficient strategic information for government and civil society to monitor water resources, inadequate mechanisms for civic participation, and the low priority given to water issues in policy debates.¹

Marcus Fuckner (Water National Agency)² highlighted the potential of the commitment to increase access to information on hydric basin policies. Joara Marchezini (of the civil society

organization Article 19 Brasil) noted that the commitment would enhance existing mechanisms of civic participation around the use of bays.

The commitment proposes building capacity and collecting information from civil society on improving the National System for Information on Hydric Resources (Milestones 10.2 and 10.3), mapping areas for improvement in the system (10.1, 10.4, and 10.5), improving the system (10.6), and increasing its use (10.7 and 10.8).

The commitment is specific enough to be verifiable. It addresses two OGP values: access to information (through the increased data published on water resource management) and civic participation (through the methods used to improve the database system).

The commitment has a minor potential impact that will nevertheless result in three improvements: a system that promotes open access to information, milestones increasing civil society's use of it, and a link between access to information and existing mechanisms of civic participation (in a broad sense).

Next steps

The commitment is highly relevant and should be prioritized in future action plans. It addresses a theme that was present in the second action plan (open data for cistern use in arid areas). However, the milestones do not need to be carried forward if they are completed.

To increase the commitment's potential impact, certain steps could be taken during implementation—such as highlighting how civic participation uses data or and connecting other datasets—to solve water shortage challenges.

¹ Government of Brazil, "Open Government and Water Resources—1st Co-creation Workshop," gov.br, accessed August 2019, <http://bit.ly/2Kg5t5z>.

² Agência Nacional de Águas, or Water National Agency.

11. Governmental Transparency—Access to Information Act in States and Municipalities

Language of the commitment as it appears in the action plan:

“Create a unified platform for access to information requests, available with no cost for states and municipalities.”

- 11.1. LAI diagnoses on states and municipalities
- 11.2. Identification of partners (managers and society) to promote engagement.
- 11.3. Development of an analyses over the technical viability of the System
- 11.4. Develop a survey about the System
- 11.5. Definition of requirements and demands of the System
- 11.6. Establishment of the System
- 11.7. Execution of articulation actions with transparency fostering programs
- 11.8. Creation of support materials for managers and society
- 11.9. Creation of advertising campaigns over the System/LAI

Start Date: January 2018

End Date: July 2020

Editorial note: to see the complete text, visit

<https://www.opengovpartnership.org/documents/brazil-national-action-plan-2018-2020/>.

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	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
11. Overall		✓	✓			✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The commitment aims to address the lack of established channels to follow up on access to information requests at the state and municipal levels. In the executive branch at the federal level, access to information portals have become well established since the Access to Information Law (LAI) passed in 2012. These portals are supervised by the Comptroller-General's Office of the Union and include support for data sharing and capacity building for public actors.¹ Outside the executive branch, other agencies are responsible for the same process, and states and municipalities are required to pass their own legislation and implement similar models. Through these efforts, freedom of information has improved considerably in the past several years in both states and municipalities across the country.²

However major challenges remain. Academics have shown that 50 percent of the responses to information requests exceed the time limits established by law and that information to track progress is limited to generic quality indexes, such as time stamps of decisions made during the process.³ In a study of information requests made between 2013 and 2017, the response rate at the federal level was significantly higher than that at the state and municipal levels—91 percent, compared to 53 percent and 44 percent, respectively. Furthermore, only

37 percent of all state-level and 54 percent of all municipal-level responses scored as minimally accurate or better, compared to 74 percent at the federal level.⁴

To address the challenges resulting from LAI implementation, this commitment aims to create a unified platform for access to information requests. The platform would be available at no cost to states and municipalities.

The commitment proposes a set of policy activities to develop the new platform (Milestones 11.1–11.3) and tools for designing system specifications (11.4 and 11.5), and for the platform's launch along, with an accompanying awareness campaign (11.6–11.9).

The commitment is specific enough to be verifiable and addresses access to information through the use of technology.

The IRM researcher received feedback from three stakeholders regarding this commitment, all of whom highlighted the importance of the initiative in standardizing access to information in Brazil. Joara Marchezini, of the civil society organization (CSO) Article 19 Brasil, believes the quality of service delivery is an urgent issue in advancing transparency in Brazil. Valdênia Santos Souza, from the Comptroller-General's Office of the Union, argued civil society expertise can improve mechanisms of social control. Gregory Michener, from Fundação Getulio Vargas⁵ stated that a unified portal is critical for progress in service delivery at subnational levels.

The commitment is an important step to help state and local governments improve their access to information portals. It could provide them with the tools and capacity building support necessary to bring their performance in processing information requests to the same level or above that of the federal government. It could make it easier for citizens to start an access to information request. Three clicks or less is a criterion that Article 19 considers key in the implementation of LAI.⁶ And such platforms would also allow participating portals to be seamlessly monitored and their data compared, which is currently not possible.

In spite of these positive potential outcomes, the commitment is limited to the creation of the platform and is limited in scale. Without the platform's uptake, implementation is uncertain. And with an uncertain assessment of the platform's uptake, the commitment's potential impact is considered moderate.

Next steps

The commitment is highly relevant to open government efforts in Brazil. It continues a trend of including commitments to strengthen access to information standards, a trend followed by all of the country's previous action plans. This commitment addresses a critical area: improving transparency across municipalities and states by means of transparency portals.⁷

To increase the commitment's impact, its offerings should be widely advertised with governments and civil society across the country, as its impact will ultimately depend on the uptake of the platform the commitment proposes. Besides increasing awareness, capacity building among state and municipality officials will be critical. Researchers have attributed poor performance in the processing of information requests, in part, to lack of awareness of both the access to information law and the agency responsible for implementing the law within their jurisdictions.⁸ Addressing this knowledge gap could help propel this commitment into having a significant impact in the country.

¹ CGU, "Access Law in States and Municipalities," <http://www.acessoainformacao.gov.br/perguntas-frequentes/lei-de-acesso-nos-estados-e-municipios>.

² CGU, "Transparency Brazil Scale," state-level evolution, https://relatorios.cgu.gov.br/Visualizador.aspx?id_relatorio=22; CGU, "Transparency Brazil Ranking," municipal level, third edition, https://relatorios.cgu.gov.br/Visualizador.aspx?id_relatorio=23

³ Gregory Michener, Evelyn Contreras, and Irene Niskier, *From Opacity to Transparency? Assessing the Access to Information Law in Brazil Five Years Later*, 2018. http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0034-76122018000400610&lng=pt&nrm=iso&tlng=pt.

⁴ Ibid.

⁵ Fundação Getúlio Vargas.

⁶ Article 19, "Panorama of Electronic Access to Information Systems 2019," https://artigo19.org/wp-content/blogs.dir/24/files/2019/05/A19_ESICS_web_2019.pdf.

⁷ Government of Brazil, "Brazil Transparent Scale—Passive Transparency," gov.br, accessed August 2019, <http://bit.ly/33bmGmH>.

⁸ Michener, Contreras, Niskier. *From Opacity to Transparency?*

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

As a result of the analysis contained in the previous sections, the IRM researcher provides the following five recommendations to improve the co-creation process of the next action plan and the implementation of its commitments:

1. **Broaden the base of participation in the OGP process.** All interviewees confirmed that the consultation process was transparent, participatory, and accountable. Nonetheless, there is a perception that wider participation by civil society is desirable and necessary. At least 12 survey respondents expressed a desire to engage a broader range of actors, including organizations that were not previously involved in OGP and that cover a wider range of topics of interest. The responsibility for broadening the base of participation can be shared between the Civil Society Working Group and the government Executive Group of the Inter-Ministerial Committee on Open Government. However, the IRM researcher recommends the government invite organizations from across the political spectrum to work together on different issues and to promote institutional partnerships with academic institutions. Similarly, it is recommended that the government invite more citizens to collaborate, particularly in the more open and online process of the action plan consultation and implementation.
2. **Develop more ambitious commitments.** Brazil has a positive track record of increasing ambition in its action plans. The second action plan had only one starred commitment (out of 52), while the following action plan had two (out of 16).¹ The current action plan, however, has no commitments with a transformative potential impact. It is recommended that the government increase the ambition of future action plans by drafting results-oriented commitments that clearly delineate how activities will lead to changes in the status quo. The commitments' activities should go beyond policy design to include implementation and monitoring activities, to ensure that they lead to the desired outcomes. This approach should be included in the consultation methodology, as a key component of the co-creation workshops.
3. **Continue to expand the engagement of the executive branch with other branches of government.** There has been clear improvement since the second action plan, when only federal executive agencies were involved in commitments. Both the third and fourth action plans include stakeholders from the legislative branch and from subnational administrations. However, the executive branch is still the main player in most commitments, while the Public Prosecutor's Office, for example, are absent in all action plans and other branches appear mostly in one commitment only. In that regard, the IRM researcher recommends the executive branch design commitments in

collaboration with other branches of government to increase the reach and impact of the action plan.

4. **Increase expertise exchanges through the São Paulo subnational OGP initiative.** Although the national and subnational initiatives are not required to be formally linked, and although members of the OGP São Paulo initiative participate in the national action plan as collaborators, there is room for increased expertise sharing. This includes connecting civil society organizations from both OGP initiatives, as well as sharing best practices in commitment monitoring. These activities can be achieved by increasing formal collaborations between national and subnational OGP stakeholders.
5. **Increase the visibility of non-OGP open government initiatives.** It is clear that open government activities in the country extend beyond those included in the action plan. Their omission leads to a lack of focus on initiatives that can be of inspiration to the culture of open government in the country. Evidence of this omission can be found at the yearly open government conference (which includes a growing number of participants and case studies) and on the Brazilian OGP website, which is constantly updated and functions as an entry point to open government practices in the country. One way to disseminate other OGP activities is to use the co-creation workshop methodology developed by Brazil to design promotional strategies and create connections to other open government initiatives. If this activity is conducted prior to the next action plan, it could increase the number of participants in the next action plan's consultation phase.

Table 5.1: Five Key Recommendations

1	Broaden the base of participation in the OGP process.
2	Develop more ambitious commitments.
3	Continue to expand the engagement of the executive branch with other branches of government.
4	Increase expertise exchanges through the São Paulo subnational OGP initiative.
5	Increase the visibility of non-OGP open government initiatives.

5.2 Response to Previous IRM Key Recommendations

Governments are required to respond to IRM key recommendations. This section provides an overview of how stakeholders addressed IRM recommendations and how the recommendations were incorporated into next action plan process or content.

Table 5.2: Previous IRM Report Key Recommendations

	Recommendation	Responded to?	Integrated into Current Action Plan?
1	Redesign the consultation methodology to incentivize government and civil society to reach more ambitious commitments.	✗	✓

2	Address key public agenda topics, such as political party financing and anti-corruption efforts.	✗	✓
3	Further engage the private sector in the implementation of commitments, to expand open business models and private sector interest in promoting open government principles.	✗	✗
4	Involve other areas of the government, such as the Public Prosecutor's Office, the subnational government of São Paulo, and legislative houses that have institutionalized open government mechanisms.	✗	✓
5	Establish a transition plan for OGP to ensure the sustainability of activities after the general elections.	✗	✓

The government did not explicitly address any of the IRM recommendations in its self-assessment report. In fact, the recommendation section was not included in their report.² Nonetheless, Recommendations 1, 2, 4, and 5 were integrated in the current action plan. The number of potentially transformative commitments in the end has decreased, but the process was indeed redesigned to achieve more ambitious commitments, including innovations in the methodology used and allocation of resources to make civil society and government to achieve the goal (Recommendation 1).

Regarding Recommendation 2, on addressing topics such as political-party finance and anti-corruption efforts, the final action plan has not addressed these topics. Those issues were included as part of the consultation process but were not prioritized by either the government or civil society in the next stages of the consultation process.

Besides that, the involvement of subnational and legislative actors in the action plan is clear (Recommendation 4). OGP executive tasks were successfully sustained after the general election (Recommendation 5).

Recommendation 3 is the only one not integrated into the current action plan. It focused on the engagement of private sector stakeholders in the action plan, but no private sector representative appears as a stakeholder in the current commitments. Nonetheless, this should not be considered a shortcoming. Instead, it should be read as the result of stakeholder prioritization by the government and civil society, who decided to increase the number of academic and subnational actors involved in the action plan, rather than involve the private sector. It should also be noted that an effort was made to include other stakeholders by inviting, at the beginning of the elaboration process, the former Ministry of Development, Industry, and Commerce. The objective of this invitation was to discuss strategies to increase the participation of the productive sector in the open government initiatives.³

¹ OGP, "OGP Report Card," November 2017, <https://bit.ly/2D4lsAs>.

² Government of Brazil, *Brazil End-Term Self-Assessment Report 2016–2018* (OGP, 30 November 2018), <https://bit.ly/2uZO1sp>.

³ “CGU Starts Discussions on Open Government Themes for the 4th Action Plan,” gov.br, 25 April 2018, <http://governoaberto.cgu.gov.br/noticias/2018/stpc-cgu-da-inicio-as-discussoes-para-definicao-dos-temas-do-governo-para-o-4o-plano-de-acao>.

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available from Brazil's OGP repository (or online tracker),¹ website, findings in the government's own self-assessments, and any other assessments by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.²

Interviews and stakeholder input

The IRM researcher collected input following the procedures below:

1. The IRM researcher requested from the lead government agency of OGP in Brazil (the Comptroller-General's Office of the Union) a contact list of all those involved in the consultation or implementation of the action plan. A list of 131 contacts was provided.
2. All 131 contacts were invited by email to share their input on the action plan. Participants could fill in a Typeform survey and request an interview appointment using a Doodle link. The invitation email was sent on 4 April 2019, after the Carnival break, and stayed open for 30 days.
3. Twenty-four participants filled in the survey, and eight participants scheduled a video call. The questionnaire and survey focused on two groups of questions: (a) the perception of how collaborative, open, and transparent the consultation process was, and (b) which potential impacts and contributions of the commitments each participant was following.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP

is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ OGP, "Brazil," <https://www.opengovpartnership.org/countries/brazil>.

² IRM Procedures Manual, V. 3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

Annex I. Overview of Brazil's performance throughout action plan development

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Multi-stakeholder Forum	
1a. Forum established: There is a forum to oversee the OGP process	
1b. Regularity: The forum meets at least every quarter, in person or remotely	
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure.	
1d. Mandate public: Information on the forum's remit, membership and governance structure is available on the OGP website/page.	
2a. Multi-stakeholder: The forum includes both governmental and nongovernment representatives	
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives	
2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process.	
2d. High-level government representation: The forum includes high-level representatives with decision making authority from government	
3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum	
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events	
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders	

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	
4c. Awareness-raising: The forum conducts outreach and awareness raising activities with relevant stakeholders to inform them of the OGP process.	
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	
4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g., links to databases, evidence of meetings, publications)	

Editorial note: If a country meets the six standards in bold, IRM will recognize the country's process as a "Starred Process."