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À PROPOS DE NOUS

La **Revue Internationale des Gouvernements ouverts (RIGO)/ the International Journal of Open Governments** est une revue universitaire créée et dirigée par Irène Bouhadana et William Gilles au sein de l'IMODEV, l'Institut du Monde et du Développement pour la Bonne Gouvernance publique.

Irène Bouhadana, docteur en droit, est maître de conférences en droit du numérique et droit des gouvernements ouverts à l'Université Paris 1 Panthéon-Sorbonne où elle dirige le master Droit des données, des administrations numériques et des gouvernements ouverts au sein de l'École de droit de la Sorbonne. Elle est membre de l'Institut de recherche juridique de la Sorbonne (IRJS). Elle est aussi fondatrice et Secrétaire générale de l'IMODEV. Enfin, associée de BeRecht Avocats, elle est avocate au barreau de Paris et médiateure professionnelle agréée par le CNMA.

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IMODEV est une organisation scientifique internationale, indépendante et à but non lucratif créée en 2009 qui agit pour la promotion de la bonne gouvernance publique dans le cadre de la société de l'information et du numérique. Ce réseau rassemble des experts et des chercheurs du monde entier qui par leurs travaux et leurs actions contribuent à une meilleure connaissance et appréhension de la société numérique au niveau local, national ou international en en analysant d'une part, les actions des pouvoirs publics dans le cadre de la régulation de la société des données et de l'économie numérique et d'autre part, les modalités de mise en œuvre des politiques publiques numériques au sein des administrations publiques et des gouvernements ouverts.

IMODEV organise régulièrement des colloques sur ces thématiques, et notamment chaque année en novembre les *Journées universitaires sur les enjeux des gouvernements ouverts et du numérique / Academic days on open government and digital issues*, dont les sessions sont publiées en ligne [ISSN : 2553-6931].

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2) la *Revue internationale de droit des données et du numérique (RIDDN)/International Journal of Digital and Data Law* [ISSN 2553-6893].

ABOUT US

The **International Journal of Open Governments / Revue Internationale des Gouvernements ouverts (RIGO)** is an academic journal created and edited by Irène Bouhadana and William Gilles at IMODEV, the Institut du monde et du développement pour la bonne gouvernance publique.

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IMODEV is an international, independent, non-profit scientific organization created in 2009 that promotes good public governance in the context of the information and digital society. This network brings together experts and researchers from around the world who, through their work and actions, contribute to a better knowledge and understanding of the digital society at the local, national or international level by analyzing, on the one hand, the actions of public authorities in the context of the regulation of the data society and the digital economy and, on the other hand, the ways in which digital public policies are implemented within public administrations and open governments.

IMODEV regularly organizes conferences and symposiums on these topics, and in particular every year in November the Academic days on open government and digital issues, whose sessions are published online [ISSN: 2553-6931].

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CREATING A BASE REGISTER OF CIVIL SOCIETY ORGANISATIONS AS A FUNDAMENTAL TOOL OF OPEN GOVERNMENT – A CASE STUDY FROM IRELAND

by **Patricia QUINN**, Analyst, Independent Researcher.

The paper suggests that a base register of civil society organisations is a key element of the knowledge infrastructure for effective open government, and describes a seven-year project – Benefacts – to create and maintain live a public directory of the entire population of civil society organisations in Ireland.

Benefacts used Open Data regulations to harvest regulatory filings from ten national registries to document more than 20,000 civil society organisations in Ireland, acting as a "base register" by normalising and classifying the database and making it freely and publicly available. The project allowed civil society organisations themselves, as well as statisticians, policy-makers, funders and the general public to keep stock of the population of Irish civil society organisations by means of a free searchable public website updated continuously with organisational births and deaths. Financial, employment and governance data and data analytics derived from the database contributed to the production of Ireland's National Accounts, to academic and policy research, and to a range of business applications by State grants-makers and philanthropies.

§ 1 – THE OPEN GOVERNMENT PARTNERSHIP

A) Open Government Co-creation of Improved Public Policies and Services

The Open Government Partnership (OGP)[1] is a multilateral initiative founded in 2011 that aims to secure concrete commitments from national and sub-national governments to promote open government, empower citizens, fight corruption and harness new technologies to strengthen public governance. At the end of 2022, the OGP had 76 national and 106 local government members[2].

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[1] Open Government Partnership, "About Open Government Partnership":
https://www.opengovpartnership.org/about/.
[2] Open Government Partnership, "Members":
https://www.opengovpartnership.org/our-members/.

Activities of the OGP's members to promote open government are structured under the ten policy areas[3] that define the broad scope of its mission: anti-corruption and integrity; civic space; digital governance; fiscal openness; inclusion; justice; natural resources; open parliaments; public service delivery; right to information. Every two years, each OGP member is required to submit an action plan that outlines concrete commitments to enhance transparency, accountability and public participation in government. These rolling plans are the product of a co-creation process[4] in which government and civil society define ambitious commitments to foster transparency, accountability and inclusion.

B) The Parties Involved in Open Government

The action plans of the member countries describe a wide range of projects to protect civic space and democratic freedoms. In every case, the participants involve a unique combination of Government authorities, citizens, and civil society organisations. This last group represents an important cohort of non-government stakeholders, variously engaged and variously defined according to the political culture in individual member countries. Indeed, the freedom to form and operate civil society organisations – which by their nature include activists, advocates for social and political change, representatives of minorities – is itself a manifestation of the values promoted by the open government movement.

A fundamental assumption of the open government co-creation process must be that there are competent civil society actors to engage with one another and with Government to bring about meaningful progress in the preparation and delivery of national plans. If the essence of the Open Government Partnership is transparency in these engagement processes, then it follows that access for all parties to reliable information about the population of civil society institutions is an important piece of knowledge infrastructure.

§ 2 – HOW TO DOCUMENT CIVIL SOCIETY

Country by country, the profile of civil society organisations varies in their institutional forms, in their activity profile, in their numbers and reach into society, and in their influence, capacity and/or propensity to engage in open government activities. Any country wishing to identify its population of civil society organisations must address two fundamental questions: how to recognise them, and where to go for information about them.

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[3] Open Government Partnership, "Policy Areas": https://www.opengovpartnership.org/policy-areas/.
[4] Open Government Partnership, "Action Plan Cycle": https://www.opengovpartnership.org/action-plan-cycle/.

Fortunately, thanks to the seminal work of Lester Salamon's Comparative Nonprofit Sector Project 1991 – 2017 (CNSP) at Johns Hopkins University, the first of these questions can be answered. This truly monumental project created tools for documenting the scope, structure, financing, and role of civil society organisations anywhere in the world in empirical terms, and its influence can be seen in the adoption of normalised reporting standards for the system of national accounts promulgated, for example, by the UN[5] and by Eurostat[6].

The CNSP's foundational project involved cooperating with 23 countries around the world to build robust methodologies for recognising and classifying civil society organisations. Thanks to this, it has been possible for many more countries to build a detailed picture of the civic space in their country, in a way that bears transnational comparison and trend analysis. (Incidentally the. list of countries that participated in the project maps very closely onto member countries of the Open Government Partnership). The CNSP process produced five key structural and operational characteristics common to civil society organisations in countries throughout the world. This "structural-operational" definition is worth summarising here.

To be recognised as a non-profit organisation an entity must be:
– **Organised**, i.e., institutionalised to some extent. What is important is not that the organisation be registered or legally recognised, but that it have some institutional reality. Excluded are purely ad hoc and temporary gatherings of people with no real structure or organizational identity.
– **Private**, i.e., institutionally separate from government. This does not mean that non-profit organisations may not receive significant government support. or even that government cannot sit on their boards. Rather, they must be "nongovernmental" in the sense of being structurally separate from the instrumentalities of government, and they do not exercise governmental authority.
– **Non-profit-distributing**, i.e., not returning profits generated to their owners or directors. Nonprofit organizations may accumulate surplus in a given year, but the profits must be plowed back into the basic mission of the agency, not distributed to the organizations' owners, members, founders, or governing board.
– **Self-governing**, i.e., equipped to control their own activities. Some organizations that are private and nongovernmental may

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5 United Nations, *Satellite Account on Non-profit and Related Institutions and Volunteer Work*, UN, 2018:
https://unstats.un.org/unsd/nationalaccount/docs/UN_TSE_HB_FNL_web.pdf.
6 Eurostat, *Glossary: Non-profit institutions serving households (NPISH)*, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Non-profit_institutions_serving_households_(NPISH).

nevertheless be so tightly controlled either by governmental agencies or private businesses that they essentially function as parts of these other institutions even though they are structurally separate. To meet this criterion, organizations must control their activities to a significant extent, have their own internal governance procedures, and enjoy a meaningful degree of autonomy.

– Voluntary, i.e., involving some meaningful degree of voluntary participation. The organisation must engage volunteers in its operations and management, either on its board or through the use of volunteer staff and voluntary contributions. "Voluntary" also carries the meaning of "non-compulsory." Organisations in which membership is required or otherwise stipulated by law are excluded – for example professional associations that require membership in order to be licensed to practice a trade or profession.

Comparative historic data from nearly fifty countries is available on the Johns Hopkins website. For an example of how this methodology was applied to a live case, let us look at the live directory of Irish civil society organisations created and published by Benefacts from 2016 to 2022.

§ 3 – BUILDING A LIVE DIRECTORY OF IRISH CIVIL SOCIETY ORGANISATIONS

At 5.1m, the population of the Republic of Ireland makes it one of the smallest of the OGP's member countries. The project to build and publish a live directory of its 20,000+ nonprofit organisations was undertaken as part of the process of public administration reform originally initiated by the Irish Government following the global financial crisis of 2007-8. With co-funding from philanthropy (chiefly the Atlantic Philanthropies and the Ireland Funds), the Irish Department of Public Expenditure & Reform initiated a project that would promote greater use of Open Data as part of the strategy for a national data infrastructure, and place a greater reliance data as an enabler for evidence-based decision-making.

With the goal of making the entire nonprofit sector more accessible to itself and to its stakeholders, Benefacts used the CNSP structural-operational definition and searched for evidence of organisations in scope in the records of one or other of nine national Open Data sources – the registers respectively of charities and sports bodies receiving tax relief; charities; higher education institutions; not-for-profit companies; non-commercial co-operatives; friendly societies; political parties; schools. Some of these datasets (e.g. registers of charities, education institutions, political parties) are already publicly accessible. Others (nonprofit companies, cooperatives) needed sifting to distinguish entities in

scope from a larger population. The creation of a unified database derived from all sources meant that for the first time it was possible to recognise and understand the profile of all civil society organisations in Ireland, however structured or regulated, because the data was derived and merged from many sources.

Once it recognised all of the entities in scope, Benefacts applied a localized version of the CNSP classification standard to segment the sector into twelve headline categories (54 sub-categories) and to assign a category and sub-category to each entity, based on their statement of purpose:

1. Culture (including sport, recreation)
2. Education & research
3. Health
4. Social services
5. Environment
6. Development
7. Civic & advocacy
8. Philanthropy
9. International
10. Religious congregations
11. Business and professional, unions
12. Other (not elsewhere classified)

As well as sourcing and classifying, Benefacts processing of data on Irish nonprofits from Open Data sources involved:

– cleaning it, normalising evidence about the same organisations from multiple sources, applying a quality hierarchy to ensure the latest and most accurate data was always selected, and recognising organisational births and deaths;

– digitising it, using optical character recognition (OCR) and manual processes;

– storing it for verification and for comparative and trend analysis purposes, assigning a unique identifier to each record, mapped against all of its other registered identities;

– sharing it with Ireland's national statistics office to contribute to the preparation of Ireland's National Accounts;

– repurposing it, by publishing it in the form of a free public searchable web directory with a listing for every nonprofit in scope;

– analyzing it, in the form of custom and public reports, due diligence services, and digital analytic services for users in the sector, in government and in philanthropies.

As a "register of registers", Benefacts provided what was in essence a base register of civil society organisations in Ireland - the largest and most systematic comparative effort ever undertaken to provide full population data describing the purpose, structure, governance, employment, and financing of these organisations. Survey evidence indicated that more than 50% of users of the free public services (more than 10,000

visitors per month) trusted the data, visited the site at least monthly, and used it for decision, research or analysis purposes.

The wide availability of this dataset (it was republished on the Irish Government's Open Data portal) meant that any project involving Government and civil society co-creation had ready access to the full range of potential participants in considering any given policy initiative.

§ 4 – WIDER USES OF THIS MODEL

Starting in 1991, the Comparative Non-profit Sector Project at Johns Hopkins University grew out of an increased need for basic information about civil society organisations following the tremendous growth in the number and size of these around the world in the second half of the 20th century. Recognising that there is no "one size fits all" way of characterising civic space around the world, it nonetheless provides a toolkit for building a comparative profile using a robust and proven set of definitional and classification frameworks. Benefacts – which was itself modelled on Guidestar (now Candid.) – was only one of many projects that stood on its shoulders. The database and web technologies involved are not particularly new, and Benefacts was only doing for non-profit organisations and their stakeholders what commercial organisations like Bloomberg and LexisNexis have been doing for the private sector and its investors for decades.

However, unlike these commercial providers, civil society knowledge infrastructure will not emerge in response to market forces. Civil society organisations have neither investors nor beneficial owners: that's the point of them. Infrastructure of this kind will only be developed if its costs are borne by the non-profit sector and its stakeholders who see merit in sector disclosure and transparency as public goods in themselves and as a means of providing policy, research and business intelligence to analysts and decision-makers.

§ 5 – WHY A BASE REGISTER OF CIVIL SOCIETY ORGANISATIONS?

The value of the CNSP was that it provided a superordinate framework embracing all kinds of activity that doesn't form part of the private sector or the public sector. This includes many organisations including social enterprises that don't conform to the traditional definition of a charity. In Ireland, registered charities form fewer than 50% of the full population of civil society organisations, which include categories excluded from the definition of a charity in Irish law for example sports bodies; professional, trade and business associations; political parties and advocacies. To build a living profile of civic space in any country

– 63 –

is likely, as in Ireland, to involve reference to more than one source of evidence.

If the legitimacy of Open Government initiatives depends on the quality of co-production between Government and citizens including citizen-led organisations, then a tool to build wide public recognition of the set of organisations that compose the civic space is surely a valuable one.