

# **OGP Rapid Response Mechanism**

## **Approved by the OGP Steering Committee, September 14, 2018**

### **About the Rapid Response Mechanism**

The objective of the Rapid Response (RR) is to communicate in the position of the OGP Steering Committee regarding situations that emerge in OGP countries that require a swift response from OGP, but would not be suitably addressed by ongoing support or existing response mechanisms (see the Appendix for a list of these). For a RR to be requested, the situation must fulfil certain criteria, and should follow a clear process, as set out below.

### **I. Criteria for submitting a Rapid Response Request**

A Rapid Response Request may be submitted when the following applies:

- a. There is a serious allegation of the violation of [OGP core values](#) by an OGP participant. This allegation is of an acute nature (involving the exposure of the violation, the passage of a rule or regulation, or a specific action that has an immediate impact in the country or local jurisdiction in question) in combination with the following:
- b. A swift response on behalf of OGP could have a material impact on the situation in question or lack thereof might place the credibility of the Partnership at risk, and/or
- c. Given its nature and urgency, the concern cannot or will not be addressed in the near term by the IRM, Procedural Review or Response Policy.

### **II. Who may submit a Rapid Response Request?**

A RR Request may be submitted by<sup>1</sup>:

- a. A Steering Committee member - government or civil society.
- b. A Multilateral Partner.
- c. Any entity (other than an individual acting on his or her own behalf) which is, or has been, involved in OGP at the national or international level and in the country or local jurisdiction that is the subject of the concern.

### **III. Contents of a Rapid Response Request**

All Requests should include the following information:

- a. A description of the persons or entities filing the request<sup>2</sup>;
- b. Information regarding the filer's activities or involvement in OGP at the local, national or international level;
- c. A description, or explanation, of the practices, or conduct, giving rise to the request and how they violate OGP values. *(Please provide as much detail as*

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<sup>1</sup> The persons or entities identified are identical to those eligible to request a Response Policy, as established by the OGP Criteria and Standards Subcommittee in 2014.

<sup>2</sup> The filer(s) of a RR request may request anonymity in public documentation if the filer perceives any security concerns.

*possible, including the date or time period of the conduct, the location of the conduct, and the persons or entities involved);<sup>3</sup>*

- d. The source(s) of all information submitted in support of the request, including copies of relevant documents, audio or video recordings.

All Requests should be addressed to [info@opengovtpartnership.org](mailto:info@opengovtpartnership.org)

#### **IV. Initial assessment by Support Unit (within 24 hours from submission)**

- a. The Support Unit will notify the GL subcommittee of the request and conduct an initial review to determine whether it represents a credible request and meets the eligibility criteria outlined in sections I-III above.
- b. The initial review will be conducted within 24 hours after it is received.
- c. If the requirements are not met, the SU will notify the filer and the GL subcommittee. The RRM request is hereby considered closed.
- d. If the requirements are met, the SU will notify GL (currently: via email and WhatsApp) so it can form a Rapid Response Task Force (RRTF).

#### **V. Rapid Response Task Force established (24-36 hours from submission)**

- a. A RRTF will be set up immediately for each request that is approved through the initial assessment process outlined in Section IV of this document.<sup>4</sup>
- b. The RRTF will consist of representatives of GL and key Support Unit staff. More specifically, it will include the Lead Government Co-Chair (can be replaced by incoming co-chair), Lead Civil Society Co-Chair (can be replaced by incoming co-chair), the OGP CEO (can be replaced by Deputy CEO), and OGP Chief Country Support (can be replaced by Deputy Country Support). In the case of any conflict of interest, actual, perceived, or potential, between an RRTF member and the subject and/or filer of the RR, such RRTF member will recuse him or herself from serving in the Task Force.<sup>5</sup>
- c. Each government, from GL or appointed by GL to the RRTF, may determine the level of representative that it appoints to the RRTF.
- d. A quorum is three members, with at least one government and one civil society representative.<sup>6</sup>
- e. Consensus will be sought for all RRTF decisions, but otherwise decisions will be taken by a two-thirds majority vote.
- f. One member of the RRTF should be identified as the Lead for each response. This can be done on a rotational basis or can be assigned based on the issue at hand.

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<sup>3</sup> A rapid response can only be triggered with regard to countries that are active (not inactive due to a Procedural Review or suspended due to a Response Policy process).

<sup>4</sup> A dedicated instant messaging group should be set up and maintained by the Support Unit.

<sup>5</sup> Any replacements made to the membership of the RRTF will be determined by GL.

<sup>6</sup> If a RRTF member goes on leave, it is his or her responsibility to notify his/her back up or replacement and let the group know.

- g. The RRTF may identify other SC, Support Unit or OGP partners whose expertise would be useful and requests them to join the Task Force.
- h. The RRTF for each request should disband when the action plan linked to the request is completed (including if it is passed off to another OGP entity or process). The RRTF lead should notify all members of the RRTF, GL and the SU when a request is completed.

**VI. Initial response formulated and issued (36-72 hours from submission)**

- a. Based on the Support Unit determination of a legitimate RR Request, the RRTF meets virtually or in person if circumstances allow
- b. RRTF decides to acknowledge or dismiss the RR request
  - i. The RRTF decides to dismiss the RR
  - ii. The RRTF agrees an acknowledgement of the request.
  - iii. All RR acknowledgements are signed by the RRTF; the acknowledgement indicates the members of that particular RRTF.

**VII. Rapid Response action plan developed and issued (7 days from submission)**

- a. The RRTF will begin work on an action plan to address the rapid response request, with the help of the SU.
- b. The Rapid Response action plan will be made public, reflecting the position or intention of OGP.
- c. This action plan will take anywhere from 2-7 days to produce from the initial RR request, depending on the complexity and specificity of the issues raised and the accompanying actions deemed necessary to address them.
- d. The action plans may note the end or resolution of the RR request (i.e., reflecting a short action plan, completed within the 7 days), or it may involve activities that go beyond the initial 7-day period, including into further support/review by OGP.
- e. The action plan should include a timeline for completion. While there is no strict deadline for action, it is hoped that a plan may be initiated immediately and executed within 3 months from the initial submission.
- f. Action plans may involve the following: (non-exhaustive, but indicative list)
  - i. Fact finding, external consultation and discussion
  - ii. Diplomacy and behind the scenes outreach
  - iii. Brokering dialogue
  - iv. Appointment of envoys
  - v. Public statements
  - vi. Exceptionally, calling a SC meeting.
  - vii. Recommendation of a full Response Policy review.

All reasonable resources will be available for the RRTF to execute its work.<sup>7</sup>

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<sup>7</sup> For the establishment phase of the Rapid Response mechanism in 2018, it is recommended that a Support Unit staff should be dedicated to the RR process and RRTF as a clear area of work responsibility. In addition, a



## **VIII. Communications across the Steering Committee and Partnership**

- a. The RRTF will let the SC and SU know of its intended action plan no less than 24 hours before it is issued, and proceed on a no-objection basis.<sup>8</sup>
- b. If consensus is not achieved, a two-thirds majority of the SC is needed for the action plan to go ahead. SC members that oppose the action plan may opt-out.<sup>9</sup>
- c. The action plan will be issued by the RRTF (which includes key GL and Support Unit members) on behalf of the Partnership.
- d. When an OGP Rapid Response action plan is issued, the RRTF will notify the filer(s) of the Request, and if relevant ask the subject of the Request for a formal response.
- e. To the greatest extent possible, and consistent with the need to make adjustments to protect all parties involved, as determined by the RRTF, the RR process will be carried out in accordance with OGP's Disclosure Policy. This means that Requests, Acknowledgements, and Action Plans will be available in a dedicated section of the OGP website.

## **IX. Review and learning**

- a. On a yearly basis, the Support Unit will provide a brief assessment of the RR mechanism as an additional means of OGP response and support.
- b. Criteria and Standards will consider this assessment and bring it to the SC as part of a periodic reflection on response mechanisms overall.

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budget line of US \$20k per annum should be secured to cover any necessary /immediate travel or actions as part of the Rapid Response process. This staff and funding allocation should be reviewed by management at regular intervals.

<sup>8</sup> In instances where it is not possible to issue an action plan within the 7 day period, the CEO and Senior Support Unit team will determine whether they are in a position to provide a response/action plan.

<sup>9</sup> This follows the same practice as the OGP Response Policy.



## Appendix: OGP Rapid Response Mechanism

### OGP Support and Response Mechanisms

During the last six years, OGP has developed several procedures to support ongoing challenges faced by governments and civil society from OGP participating countries, as well as a range of mechanisms to respond to crises and challenges that affect participation in the Partnership. In order to reflect clearly the role of the rapid response mechanism being proposed, existing procedures and mechanisms are listed below, including the actor, issues addressed, possible outputs, and the length of time each involves.

<b>ONGOING OGP SUPPORT</b>			
<b>Issues addressed</b>	<b>Actor</b>	<b>Possible outcomes</b>	<b>Time frame from initial request</b>
<ul style="list-style-type: none"> <li>Support in the development or implementation of National Action Plans.</li> <li>Assisting in the establishment of permanent dialogue forums.</li> </ul>	Support Unit	<p>Support Unit advice, including country visits to engage with either government or civil society stakeholders, or both.</p> <p>Brokered support, including but not limited to peer exchange, Steering Committee outreach and interventions; multilateral partner support.</p>	2-3 months
<ul style="list-style-type: none"> <li>Enhancing ambition in the development, or securing the implementation of Action Plans.</li> </ul>	Support Unit/ Steering Committee /Envoys	Advice, country visits to engage with either government or civil society stakeholders, or both.	3-5 months
<ul style="list-style-type: none"> <li>Negotiating differences between civil society and government on OGP processes.</li> </ul>	Support Unit/Steering Committee/Envoys	Facilitating workshops on co-creation processes. Arranging and convening meetings between members of the multi-stakeholder coalition.	3-5 months



<ul style="list-style-type: none"> <li>• Assessment of the quality of the consultation process</li> <li>• Assessment of ambition, relevance and specificity of commitments.</li> <li>• Assessment of completion of commitments.</li> <li>• Assessment of overall context in each country.</li> </ul>	IRM	The IRM publishes two reports for each country's National Action Plan and might hold a launch event or organize meetings with different stakeholders.	18 months after NAP delivered.
<ul style="list-style-type: none"> <li>• Support to countries seeking entry into the Partnership</li> </ul>	Support Unit	Advice, country visits, peer exchange with existing members.  Feedback on eligibility criteria and values check.	On demand.
<b>OGP RESPONSE Mechanisms</b>			
<p>Procedural Review: countries that have acted contrary to process for two consecutive cycles:</p> <ul style="list-style-type: none"> <li>• The country does not publish a National Action Plan within 4 months of the due date.</li> <li>• The government did not meet the IAP involve requirement during development or inform during implementation of the NAP as assessed by the IRM.</li> </ul>	Criteria and Standards Subcommittee	<p>Once a country is under review it will receive enhanced assistance from the Support Unit.</p> <p>If a country fails to address the issues within 12 months, the C&amp;S subcommittee might choose to recommend to the Steering Committee to place the country in inactive status.</p> <p>If a country stays in inactive status for 12 months, it could be considered as no longer participating in OGP.</p>	12-24 months



<ul style="list-style-type: none"> <li>• The government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.</li> <li>• The IRM Report establishes that there was no progress made on implementing any of the commitments in the country's National Action Plan.</li> </ul>			
<p>Rapid Response:</p> <p>Crisis driven response to imminent risk/threat in areas critical to the values and principles of OGP</p>	<p>Rapid Response Task Force</p>	<p>Consideration of urgent requests and developments that threaten lives and mock core values of OGP.</p> <p>Response can be diplomacy, public statements, visits, or other mechanisms deemed appropriate and effective. The essence of the Rapid Response is its pace, allowing the Partnership a means to act quickly when needed.</p> <p>Depending on the outcome, Rapid Response may move into a Membership or Procedural Review. This is not automatic, but depends on resolution of issue.</p>	<p>Initial acknowledgment within 3 days/ Action plan developed within a week</p>
<p><i>Response Policy</i></p> <p>Response Policy: Policy on Upholding the Values and Principles of OGP, as articulated in the Open</p>	<p>Criteria and Standards Subcommittee</p>	<p>Once a Partnership Review is triggered, an assessment is conducted to verify its merit. If found to have merit, the Criteria and Standards Subcommittee will issue a series of recommendations as part of Stage One actions.</p>	<p>8-12 months for an initial assessment</p>



<p>Government Declaration</p> <p>A Partnership Review would address emerging issues <i>that have the potential</i> to be sufficiently damaging to OGP values and principles to trigger a Response Policy review include, but are not limited to, the introduction of new or revised policies, practices or actions that significantly reduce any of the following:</p> <ul style="list-style-type: none"> <li>● Access to information for citizens and civil society;</li> <li>● The space for non-governmental organizations to work independently, voice critiques, and/or receive funding from domestic or international sources (e.g. new NGO laws);</li> <li>● Enjoyment of fundamental freedoms, notably freedom of expression and peaceful assembly, and association; and/or</li> <li>● Online or offline media freedom, or media ownership and independence.</li> </ul>		<p>If Stage One actions fail, the Criteria and Standards Subcommittee could recommend Stage Two actions, which could include suspending a country's participation.</p> <p>If a suspended country fails to address the concerns, it can be removed from the Partnership.</p>	
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