OGP Steering Committee
Working Level Meeting

Background Documents for Public Release

June 27 & 28, 2017
Washington, DC

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OGP Steering Committee
In-person Working Level Meeting
June 27 and 28, 2017
Washington, DC

Steering Committee Meeting Agenda

Day 1: Tuesday June 27

9:00 - 10:30
State of the Partnership

- Presentation of progress on implementing OGP's strategic refresh, including:
    - Priority Country support (including latest IRM findings and subnational progress)
    - Global advocacy strategy
    - Advancing thematic leadership

10:30 - 10:45
Coffee Break

10:45 - 11:45
Building a Steering Committee coalition - A discussion led by a selection of new OGP Envoys

- OGP Envoys on lessons learned from founding Steering Committee - and how we can build a stronger Steering Committee with an "esprit de corps" to help drive forward the next phase of OGP?
- Q+A

11:45 - 2:45 (including lunch)
Building a Steering Committee coalition continued (3 Breakouts facilitated by OGP Envoys)

- OGP Steering Committee members break out into 3 pre-assigned groups. Each group will rotate to three tables, hosted by different OGP Envoys, to discuss the role of the Steering Committee to advance the following three priorities in the OGP implementation plan:
    - *Table 1: Priority country support*
    - *Table 2: Global advocacy strategy*
    - *Table 3: Advancing thematic leadership*
- The objective is to have a deep discussion on the role of the Steering Committee and generate a set of concrete actions for each priority. These actions will be written up overnight with help from the Support Unit and presented to the full Steering Committee the next morning.

2:45 - 3:00
Coffee Break

3:00 - 5:00
Deep dives on emerging priority topics in OGP (Breakout sessions)

- Session 1 - What are the options for a "A State of Open Government" report from OGP?
- Session 2 - Private sector engagement: Discussion based on scoping paper by the Basel Institute for Governance
- Session 3 - The future of subnational engagement in OGP
- Session 4 - Legislatures engagement in OGP

<u>Day 2: Wednesday June 28, 2017</u>

9:00 - 9:15
Welcome and review of the agenda (15 minutes)

- Welcome to incoming Steering Committee members (mixture of full participants and observers)

9:15 - 10:00
Day 1 highlights:

A. **Report back on action items from the Steering Committee coalition sessions**
    - *Members from each breakout group to circulate and present a one page list of actions discussed in the breakout sessions (Support Unit to help collate) - and then present top ideas to main group.*
B. **Subnational engagement in OGP**
    - *Full Steering Committee update on progress with the subnational pilot program and report back on discussions of future options for the program.*
    - *Background materials: Subnational Program Update Note*

10:00 - 11:30
Governance and Leadership (1.5 hour)

A. Review candidates to serve as new Steering Committee co-chairs
    - ***Decision point:*** Steering Committee votes on incoming co-chairs starting October 1st 2017
    - Background materials: Candidate statements
B. Review current list of OGP Ambassadors
    - ***Decision Point:*** Steering Committee approves list of ambassadors proposed by GL.
C. UNGA Discussion
    - ***Decision Point:*** Heads of State/Government and civil society leaders from Steering Committee to confirm interest in attending and/or speaking at OGP's UNGA event
D. OGP Trust Fund (MDTF)

- ***Decision Point:*** Steering Committee agrees on two Steering Committee members who will serve on the MDTF Council
- Background materials: MDTF Steering Committee Representative TORs

11:30 - 11:45
Coffee

11:45 - 1:15
Criteria and Standards - Countries under review (1.5 hours)

A. Azerbaijan [Inactive]
   - ***Decision point:*** Steering Committee makes a decision on Azerbaijan's inactivity status.
   - Background materials: Criteria and Standards Subcommittee Recommendation on Azerbaijan.
B. Montenegro [Under review]
   - ***Decision point:*** Steering Committee makes a decision on Montenegro's participation status.
   - Background materials: Criteria and Standards Subcommittee recommendation on Montenegro.
C. Other country developments
   - Developments in the national OGP platform in Mexico
   - Background materials: Letter submitted by Mexican Civil Society to the SC; Support Unit response; Steering Committee co-chairs statement.

1:15 - 2:15
Working lunch - A case study in thematic leadership: why open government matters for climate and natural resources (WRI and Government of France)

2:15 - 4:15
Criteria & Standards - Rules of the Game Review (2 hours)

A. Eligibility Criteria
   - ***Decision point:*** Steering Committee reviews and approves proposed changes
   - *Background materials*: Criteria and Standards Subcommittee recommendation.
B. Review Processes for Countries Acting Contrary to Process
   - ***Decision point:*** Steering Committee reviews and approves proposed changes
   - *Background materials*: Criteria and Standards Subcommittee recommendation.
C. NAP Development and Implementation
   - ***Decision point:*** Steering Committee reviews and approves proposed changes
   - *Background materials*: Criteria and Standards Subcommittee recommendation.
D. Response Policy Review
   - ***Decision point:*** Steering Committee reviews and approves proposed changes

4:15 - 4:30
Coffee Break

4:30 - 6:00

Advancing Thematic Leadership and Peer Learning/Support (1.5 hour)

A. Review progress 6 months into Paris Declaration, including on collective actions SC members signed up to
    - ***Decision Point:*** Steering Committee agrees next steps on taking forward the strategy to promote 20 collective actions to wider partnership
    - Background materials: Strategy for the promotion of the Paris Declaration
B. Steering Committee reviews proposal for a new SC subcommittee to replace PLS
    - ***Decision point:*** Steering Committee to approves proposal for new subcommittee
    - Background materials: Thematic Leadership Subcommittee proposal, including proposal on future of OGP Working Groups

6:00

Wrap up and close

Draft List of Attendees

Government Steering Committee Members

Government of Brazil
Embassy Official, TBC

Government of Chile
Embassy Official, TBC

Government of Croatia

Ms. Sandra Pernar	Senior Advisor, Government's Office for Cooperation with NGOs

Government of France, Lead Co-Chair

Ms. Laure Lucchesi	Director, Etalab
Ms. Amelie Banzet	Open Government and OGP, Etalab
Ms. Rachel Ruamps	Advisor, French Ministry of Foreign Affairs

Government of Georgia, Incoming Co-Chair

Mr. Aleksandre Baramidze	First Deputy Minister, Ministry of Justice of Georgia
Mr. Zurab Sanikidze	Director of Analytical Department at the Ministry of Justice of Georgia

Government of Indonesia

Mr. Slamet Soedarsono	Deputy Minister, Ministry of Planning
Mr. Yanuar Nugroho	Deputy Chief of Staff, Office of The President (OGP National Focal Point)
Mr. Agung Hikmat	Assistant Advisor, Office of The President

Government of Mexico

Mr. Guillermo Ruiz de Teresa	Head of the Transparency Policy and International Coordination Unit; Ministry of Public Administration
Mr. Pablo Villarreal	Deputy Director General of International Affairs, Ministry of Public Administration

Government of Romania

Mr. Radu Puchiu	State Secretary, Secretariat-General of the Government

Ms. Angela Benga	Counselor, OGP Unit, Secretariat General of the Government
Government of South Africa	
Mr. Willie Khisimusi Vukela	Deputy Director-General at the Department of Public Service and Administration (DPSA)
Mr. Thokozani Thusi	Chief Director-Public Participation and Social Dialogue (PPSD), Service Delivery Branch, DPSA
Ms. Xolisile Freda Dlamini	Office of the OGP Special Envoy, South Africa
Government of United Kingdom	
Mr. Oliver Buckley	Deputy Director, Policy & International, Government Digital Service, Cabinet Office
Mr. Thom Townsend	Senior Policy Officer, Data Team, Cabinet Office
Government of United States	
Mr. Chanan Weissman	Policy Advisor in the State Department's Bureau of Democracy, Human Rights, and Labor.
Government of Canada (incoming Steering Committee member - Observers)	
Ms. Mélanie Robert	Executive Director, Information Management and Open Government, Chief Information Officer Branch, Treasury Board of Canada Secretariat
Government of Italy (incoming Steering Committee member - Observers)	
Mr. Stefano Pizzicannella	Director, Institutional and International Relations and Supervision, Department for Public Administration
Government of South Korea (incoming Steering Committee member - Observers)	
Mr. Dongsu Chang	Director of Public Data Policy Division
Ms. Yujin Lee	Deputy Director of Creative Government Planning Division
Mr. Won Jae Park	Executive Principal of National Information Society Agency

Civil Society Steering Committee Members

Mr. Manish Bapna	World Resources Institute (WRI), Lead Co-Chair
Ms. María Baron	Directorio Legislativo
Ms. Helen Darbishire	Access Info Europe
Mr. Mukelani Dimba	Open Democracy Advice Centre (ODAC), Incoming Co-Chair
Mr. Aidan Eyakuze	Twaweza
Mr. Alejandro Gonzalez	GESOC
Mr. Nathaniel Heller	Results for Development
Dr. Robin Hodess	Transparency International
Ms. Suneeta Kaimal	Natural Resource Governance Institute (NRGI)
Ms. Zuzana Wienk	Fair Play Alliance
Mr. Tur-Od Lkhagvajav	TI-Mongolia
Mr. Giorgi Kldiashvili	Institute for Development of Freedom of Information (IDFI) (incoming Steering Committee member) - **Observer**

Others Attending – Day 1 only

Mr. Butch Abad	OGP Envoy
Mr. Francis Maude	OGP Envoy
Mr. Rakesh Rajani	OGP Envoy
Ms. Mary Beth Goodman	Former Steering Committee member

Open Government Partnership Support Unit

Mr. Alonso Cerdan	Support Unit
Mr. Paul Maassen	Support Unit
Mr. Jaime Mercado	Support Unit
Mr. Joe Powell	Support Unit
Mr. Sanjay Pradhan	Support Unit
Ms. Tonu Basu	Support Unit

Participation Protocol

The SC agreed on a list of protocols for meetings in September 2014. The document specifically addresses participation at SC meetings as follows:

"Members are strongly encouraged to attend all official Steering Committee meetings at the appropriate level. Each member should have one designated principal who sits at the table and casts a vote as needed. Each principal may also designate a 'plus one' to sit next to (or behind) the principal. The plus one may be asked to speak on certain issues in place of the principal but does not have a vote. As space allows, members may also be invited to bring one or two additional observers to the meeting. Observers will sit around the perimeter of the room."

OGP Observers

Representatives from relevant international organizations and intergovernmental bodies may be invited by the SC to attend the OGP Biannual Summit and related SC events as observers, when this can be accommodated practically. In addition, a representative of each of OGP's multilateral partner organizations will be invited to participate in the relevant sessions of at least one SC meeting per year. Observers have no role in SC voting, but may be invited to share their views, particularly those related to country support and peer exchange.

Voting Protocol

The OGP Articles of Governance make provision for the members of the Steering Committee to cast a vote on decisions where consensus cannot be established. This note establishes the protocol for a vote being called in a Steering Committee meeting, and the process that will be followed.

OGP Articles of Governance, page 8:

> *Decision Making: Major policy decisions are to be made by the full SC, in its meetings or by circular, when meetings are not practical. In making decisions, SC members are to seek to develop consensus; failing consensus, decisions are to be made by simple majority (except in the case of a vote on continued eligibility, as detailed under Section II). In the case of tied votes, the lead chair* casts a second and determining vote. A quorum is established when at least 50 percent of each constituency (governments and civil society organizations) are present. The Governance and Leadership Subcommittee is empowered to make logistical decisions between meetings such as, for example, specific details related to the Biannual Summit.*
>
> *SC members may not vote by proxy if they are unable to attend voting sessions. Members may elect to bring guest observers to SC meetings, with prior approval from the Governance and Leadership Subcommittee. Such guest observers cannot participate in voting.*

*'Lead chair' in the Articles of Governance historically refers to the 'lead government chair'.

Process

A vote can be called in a Steering Committee meeting either where consensus cannot be easily achieved on a particular decision, or where there is a definitive decision to be made between a number of options (for example voting on the next OGP co-chair where there are multiple candidates). In those events this process will be followed:

1. The lead co-chairs will agree on the need for a vote and propose that to the Steering Committee.
2. The Steering Committee will be invited to make comments on the decision that is being voted on, which will be subject to the usual Chatham House Rule, unless a Steering Committee member requests otherwise.
3. The lead co-chairs will set out the resolution that is being voted on and the options available.
4. The Support Unit will be responsible for providing ballot papers that clearly list the resolution being voted on, and the options available, and ask Steering Committee members to mark their decision. Ballot papers will remain anonymous.
5. Steering Committee members will be invited to post ballot papers in a box. All Steering Committee members are entitled to one vote per resolution. The Support Unit will count papers -with one of the lead co-chairs observing- to determine the result of the vote and will communicate the decision to the full Steering Committee. In the case of tied votes, the lead government chair casts a second and determining vote.

Voting principles

- A vote can only be called in a Steering Committee meeting that is quorate (50 percent of each constituency G government and civil society members G are present).
- Each Steering Committee member has one vote. For government members that vote can be cast by any member of the official delegation in attendance in person at the meeting. For civil society members that vote can be cast only by them -or their previously designated second- in person at the meeting.
- Steering Committee members can choose to abstain from a vote after it has been called and the options have been presented. The number of abstained votes will be noted in the results.
- The results of votes taken by the OGP Steering Committee will be recorded in the minutes of that meeting but a member's individual decision will not be noted, unless they request otherwise.
- The majority decision, after a vote has been taken, is binding and the resolution will be recorded in the minutes of the meeting.

Background Materials

OGP Subnational Program Update Note

The subnational pilot program launched in early 2016 with the selection of 15 subnational "pioneers" through a competitive process. The Pioneers submitted their action plans in December 2016 and are currently implementing their open government commitments between January and December 2017.

The approved 2017 workplan objectives for the subnational program:

1. Successful implementation of Pioneer action plans
2. Successful learning and exchange amongst Pioneers and Leaders
3. Define next step opportunities for expansion of Subnational Program
4. Support other means of subnational engagement into OGP - through National Action Plans supporting national governments engagement with subnationals, connecting with other local government networks, etc.

To date, the subnational Pioneers program has progressed on meeting those above objectives through the following activities:

- Piloting intensive dedicated OGP SU support to governments and civil society via implementation support and visits, broadening the base of CSOs such as service delivery or social movements, consulting partners on the subnational IRM methodology & template, limiting the number of commitments to five, convening of the cohort multiple times, action forcing events, etc.
- The IRM has hired a program officer dedicated to assess subnational action plans, Gustavo Perez, and has hired and trained 15 local researchers. The methodology has been modified and vetted, and webinars were conducted for subnational pioneers to build buy-in.
- Program Manager, Brittany Giroux Lane, has traveled to one-third of the Pioneers: Kigoma, Elgeyo Marakwet County, Bojonegoro, Tbilisi, and São Paulo for implementation support, broker connections with donors and partners, training of government and civil society stakeholders, and awareness raising.
- A focus on learning and peer exchange across the Pioneers cohort and technical partners has produced successes, including:
    a. Madrid has shared their portal and participatory budgeting knowledge with cohort of 6 pioneers. Buenos Aires has started engaging in participatory budgeting thanks to this exchange.
    b. Kigoma began implementing a land transparency commitment through a partnership with Cadasta.
    c. Tbilisi is receiving technology and data support via The Engine Room to provide technical capacity building to the Municipal Development Services Agency to produce portals as outlined by their commitments.
    d. An exchange between Bojonegoro and Kigoma is planned to address open data collection methods in rural areas - based off Bojonegoro's dasa wisma commitment.

    e. A mini-grant program, modeled after the CSE process, has been started for subnational CSOs. One grant has been administered to the Elgeyo Marakwet County CSO Network to support their coordination of around 100 community organizations in the county to support and monitor the action plan. Two other grants are planned for the second half of 2017.
    f. A planned global subnational workshop in July 2017 will further support these exchanges.
- In communicating the pilot program's progress, a Subnational Video and a "What's in the Subnational Action Plans" publication will be launched by the end of June 2017. A subnational focused OGP newsletter will be published in July 2017.
- The program is building momentum with more than 100 interested subnational governments and civil society organizations, including those who applied in 2016 but were not selected who joined a "Leader's Tier". The "Leader's Tier" itself has not been prioritized thus far in 2017, but may be relaunched in late 2017 if resources allow.
- Important partnerships and relationships are being built, including potential MOUs with technical partners and city networks such as C40 and WeGO.
- A report is being written on the future expansion options for the subnational program, by former Paris POC, Julien Antelin, which will help inform decisions later in 2017.

OGP Steering Committee Co-Chairmanship Candidacy Note – Civil Society Caucus

Nathaniel Heller, R4D

1) What would your vision be for your chairpersonship, and how would you seek to advance the goals of OGP's strategic refresh during the next two years? Please include your thinking on ramping up high level political engagement in OGP with your government counterparts, and how will work with the OGP Support Unit to help broaden the base of actors and partnerships for OGP?

My interest in assuming the co-chairmanship in 2018 is rooted in my strong desire to better link open government reforms (using OGP as a platform) to concrete development outcomes, particularly in the health, education, and nutrition sectors. We have anecdotal evidence and success stories that opening up government can indeed lead to improved health outcomes, superior learning, and improved nutrition, particularly for vulnerable populations in low- and middle-income countries. But this narrative remains fragmented and often forgotten within OGP. At a time when political support for open government and OGP is waning in key countries, we need to reinvest in making the case for open government. My proposal is to make that case through the lens of development outcomes in key sectors, for several reasons.

First, this approach would build on Mukelani's forthcoming 2017 co-chairmanship, when he plans to emphasize the links between open government and socio-economic rights (among other topline priorities). The rationale for his push is quite similar to my rationale for making "open government + health/education/nutrition" the theme of my proposed 2018 co-chairmanship: it resonates with many priority countries (particularly in the global south), and helps ground open government in issues that matter to people's lives. We know the latter is key to renewing political interest and engagement in OGP. We need more compelling, granular arguments in favor of open government to "sell" new ministers and heads of state/government on the value of OGP and open government. I believe that a focus on development outcomes is a powerful way to make that case, and to reinvigorate the movement at a time when shrinking civic space looms as a source of existential angst.

Making that case will take more than speeches at OGP summits and remarks at steering committee meetings, however; it will require a multifaceted investment of time and resources, something I hope to begin as supporting co-chair in the fall of 2017. The first step is revamping and revitalizing OGP's research agenda, which has been massively underfunded and under-resourced since OGP's inception. By commissioning fresh primary research into the granular impact of open government on downstream development outcomes, we should strive to

generate a definitive compilation of the value that open government provides to change agents in key human development sectors such as health, education, and nutrition; imagine it as a sort of Lancet series on the impact of open government on those sectoral outcomes. The forthcoming OGP Multidonor Trust Fund at the World Bank will have a research window available to help finance this crucial evidence and story building effort; we should aggressively and strategically shape the investments emerging from that window.

Second, there are several forthcoming "free" pieces of research and evidence building with which I am fortunate enough to be involved, and that I can leverage to help strengthen an "open government Lancet series"-type effort. One is the R4D-Harvard flagship Transparency for Development project (www.t4dproject.org). End line data from the project's randomized control trial will begin making their way into the public domain in late-2017, and more fully by 2018. Those results – if they indeed show a positive effect between information transparency and maternal and newborn health outcomes – will represent some of the most concrete evidence that open government "matters" for granular development outcomes. I will be in a position to leverage those findings to help make the case for renewed political engagement in OGP at the ministerial and heads of state level.

Additionally, R4D is continuing to quietly invest in pioneering costing work in the open government space, putting concrete price tags on what it costs to design and implement open government reforms, whether open contracting, open data efforts, or 311 systems. To preview a particular finding that demonstrates the potential political resonance of that research: we've found that the entire ProZorro open contracting program in Ukraine (arguably the "hottest" story in open government these days) cost around US$5 million to design and execute, inclusive of donor support and volunteer time. When compared with estimates that ProZorro could ultimately save the Ukrainian government more than US$1 billion annually, we have an incredibly powerful talking point for ministers and heads of state: invest just $5 million in open government and reap 1000x or more in government savings and efficiency. Finally, a new (but not yet announced) 5-year, $15 million research collaboration between R4D and the Brookings Institution (on the impact of extractives transparency efforts on development and anti- corruption outcomes) will provide a third powerful well of evidence and stories that I can draw on in the coming two years.

Third, if we're to emphasize the links between open government and development outcomes that matter for people's lives, we can't simply preach to the choir. We need to bring in new actors and stakeholders from those sectors to further bolster the roster of open government champions globally. During my potential co-chairmanship, I would prioritize recruiting the World Health Organization, the Bill & Melinda Gates Foundation, and the Scaling up Nutrition (SUN) network as official OGP "partners." All will need to be convinced of the value of open government to the sectoral outcomes they care about (another reason to invest in the evidence

and story building I describe above). But I am hopeful that with sufficient time all can be convinced to join the open government movement formally.

2) How would you demonstrate leadership of OGP at both the international and domestic levels during your chair year? What are your greatest achievements at the country-level or in a thematic area relevant to OGP and lessons through OGP that you would want to share with your peers around the world?

I remain a schizophrenic open government booster: I've been a strong believer in the movement and continue to invest significant time and energy into initiatives such as OGP. But I've also been a public critic of the movement's moral inconsistency and the risks of "open washing." I plan to continue that intellectually complex approach to my open government work in the future, including as potential co- chair.

I'm proud of my contributions to open government scholarship and thought leadership; my original "working definition of open government" remains (surprisingly!) one of the standards in the field. But I am equally proud of the short video I produced for the OGP summit in London that called into question the moral inconsistency of OGP governments at a time when revelations of mass surveillance were being unearthed. As a potential OGP co-chair, I want to continue playing the role of constructively critical "skepti-booster," channeling the concerns of civil society into steering committee meetings and decisions in a way that is politically sensitive while also direct and unvarnished.

I also want to invest in more face-to-face interactions to build relationships between steering committee members. I worry that we've fallen into a pattern of simply showing up to steering committee meetings with little to no working relationships with colleagues on the other side of the table; this yields suboptimal discussions and debates. My experience conceptualizing and building the OpenGov Hub proves the value of the alternative approach; investing in the time and space to build meaningful relationships and social capital with our counterparts from government will yield better outcomes. As a way to operationalize this aspiration, I want to continue working with Aiden and the Support Unit on nascent ideas around running a high-level OGP "boot camp" in 2018 that would bring together OGP's "superstars" from both government and civil society for an intensive 3-4 day relationship building + open government 101 crash course. I'm confident those investments will pay off in the form of a more highly-functioning steering committee in the out-years.

I'm also very proud of the work I've pursued with Mark Robinson to design and stand up OGP's subnational pilot during the past 18 months. We know that the subnational program is a source of renewed energy and impact for OGP in the years to come, as well as a funnel for future

political leadership for the partnership. It's one of the most exciting initiatives currently underway within OGP. With many others on the steering committee, I want to continue investing heavily in OGP's subnational work, including during my potential co-chairmanship. Those investments should include expanding the number of "high touch" Pioneer cities/states/provinces participating in OGP and ensuring we have adequate Support Unit and IRM staff to manage our subnational growth.

3) Will you be able to dedicate substantial amount of time to OGP, including travel? If applicable, is this agreed with your board/management?

As one current steering committee colleague put it to me recently, "[Becoming co-chair] can't get much worse for you in terms of the time commitment!" I have indeed spent a large amount of discretionary time on OGP in the past several years, and while this might be Pollyannaish thinking, I tend to agree that assuming the co-chairmanship might not be any worse than the status quo, especially if I can offload co- chairing the Criteria and Standards subcommittee to someone else. I have a demonstrated track record with respect to committing time, energy, and travel to OGP, including:

- Participating in the first-ever OGP meetings at the Obama White House in 2010, and from there helping the *ad hoc* "pre-steering committee" recruit governments and civil society champions to the emerging partnership.
- Designing and running the now-defunct OGP Networking Mechanism while at Global Integrity.
- Leading the OGP executive director search committee in 2015-2016.
- With Mark Robinson and Mexico, co-leading the OGP subnational task force in 2015-2016.
- Leading the steering committee's response to the first-ever OGP Response Policy case in 2015.

I've discussed the possibility of my assuming the co-chairmanship with R4D's CEO, Gina Lagomarsino, who supports the idea. While Gina shares my concerns about the time required to lead the steering committee effectively as co-chair, she's excited by the focus of my potential co-chairmanship on strengthening the links between open government and health, education, and nutrition outcomes. That proposed co-chairmanship theme dovetails nicely with R4D's new organizational strategy as well as my own role within the organization, where I oversee several cross-cutting practices and teams (including governance and citizen engagement) that collaborate with our sector teams to accelerate outcomes in health, education, and nutrition.

Appointing OGP Steering Committee Representatives (2) to the OGP MDTF Council Terms of Reference

Objectives

One government and one civil society member of the OGP Steering Committee (SC) will represent the SC in the OGP Multi Donor Trust Fund (MDTF) Council to:

- Ensure the alignment of the MDTF with the overall OGP principles and strategy; and
- Optimize the results achieved by the MDTF in addressing the technical and financial constraints in developing countries participating or interested in joining OGP, and in tackling gaps in OGP's research and learning agenda.

Background

The OGP SC and the World Bank agreed to establish the OGP MDTF, a distinct financing vehicle for OGP, to make it possible to respond to the technical and financial implications associated with the directions of the Strategic Refresh and provide more robust support to countries in delivering transformative commitments that deliver real impact. Three programmatic windows address the objectives of the OGP MDTF: (i) facilitating co-creation and implementation of country-led open governance reforms via OGP National Action Plans as well as helping countries to improve on the open governance indicators needed to become eligible to participate in the OGP; (ii) increasing knowledge, research, and learning programs; and (iii) programmatic assistance to the OGP Support Unit-IRM workplan.

The OGP MDTF Council (the "Council") sets the OGP MDTF strategic priorities, including, but not limited to, promoting regional diversity and providing guidance on desired outcomes and results. The Council consists of representatives of the World Bank, including as Chair; a representative of each Donor contributing to the Trust Fund above US $500,000 (TBC); two representatives of the OGP SC (one representative from a national government and one representative from a civil society organization, both approved by the OGP SC); and a representative from the OGP Support Unit.

About the Position

As a conduit between the OGP Steering Committee and the OGP MDTF, the Steering Committee representatives in the MDTF Council will:

- Set strategic guidance on MDTF funding priorities to ensure alignment with OGP principles and strategy. This includes guiding the programmatic objectives of the MDTF; promoting a balance of recipients from government, CSO and the World Bank; and providing input on the selection criteria.
- Engage in teleconferences on MDTF portfolio and proposals as needed. It is expected that there will be more frequent discussions during the inception period of the MDTF. Over time, the Council will transition to biannual meetings, including one in-person (to be held on margins of an OGP Steering Committee meeting).
- Conduct outreach and support fundraising efforts as needed.
- Report to Steering Committee members on the progress of the MDTF.

It is expected that the SC Representatives will spend approximately 2-3 full days per year contributing to the Council discussions.

Competencies

- General understanding of co-creation and implementation opportunities and challenges in OGP National Action Plans.
- Experience of working effectively with multilateral/bilateral partners on development programs.
- Demonstrated experience in helping establish an environment where knowledge is created, applied and shared in a collaborative manner.

Be in good standing as an Steering Committee representative, according to the following criteria: 1) Have acted in accordance with the Open Government Declaration; 2) Have regularly attended and participated actively in Steering Committee meetings and subcommittee meetings; and 3) Must not be under review by the Criteria & Standards subcommittee or designated *inactive* in OGP (Government representative only).

Criteria and Standards Subcommittee Recommendation on the Policy on Upholding the Values and Principles of the Open Government Partnership for the case of Azerbaijan

On September 2014, the Open Government Partnership (OGP) Steering Committee (SC) adopted the Policy on Upholding the Values and Principles of the OGP (otherwise known as the "Response Policy") in order to achieve two objectives: a) assist the country in question to overcome difficulties and to help re-establish an environment for government and civil society collaboration, and b) safeguard the Open Government Declaration and mitigate reputational risks to OGP.

On March 2015, three civil society organizations (CSOs) addressed a letter of concern to OGP's Steering Committee under the Response Policy addressing several issues pertaining the operating environment for civil society in Azerbaijan and how it affected its ability to engage effectively in the OGP process. The letter urged the Steering Committee to call on the Azeri government to take necessary actions. The Criteria and Standards subcommittee (C&S) drafted a report informed by reviewing the Articles of Governance, the Open Government Declaration and IRM data. In addition, the information was cross-referenced with government, civil society, media and United Nations sources. Based on this research and analysis, the C&S deemed the concern relevant, true, and accurate.

The report triggered Response Policy Stage One actions, which included the drafting of five recommendations that would assist the Government of Azerbaijan address the concerns raised. These recommendations were published on July 7, 2015. Over the following months, C&S engaged with the Government of Azerbaijan with the aim to support the implementation of these recommendations. Regretfully, when the advances made were assessed during the February 23-24 2016 C&S meeting, the Subcommittee determined that the deadlines to implement such recommendations had expired without satisfactory resolution, and thus recommended to the full Steering Committee to move to Stage Two actions and to place Azerbaijan in inactive status.

On May 4, 2016, the Steering Committee designated Azerbaijan as inactive in OGP, due to unresolved constraints on the operating environment for Non-Governmental Organizations (NGOs). The inactivity resolution outlined that the Government of Azerbaijan would have one year to implement actions necessary to address the original concerns and with that fully re-engage with OGP and become active again.

This document drafted by the OGP Support Unit (SU) and C&S with the support of third party analysis, external reports, mission reports and interviews with key stakeholders in Azerbaijan aims to summarize the ongoing Azerbaijan Response Policy process and assess how the Government of Azerbaijan has addressed over the last year the recommendations put forward by C&S.

The evidence assessed shows that the Government of Azerbaijan has made noticeable efforts in order to address the recommendations under the Response Policy review, particularly regarding

OGP process concerns, such as the consultation process to develop the 2016-2018 NAP, the establishment of a multi-stakeholder OGP forum and the creation of a "one stop shop" for grant registration.

Nevertheless, the core component of the response policy case and the OGP recommendations is and remains the need to lift the constraints on the operating environment for civil society organizations. Initial improvements are in place, including those facilitated by the early 2017 Cabinet Decisions to simplify grant processing and registration, yet it is too early to tell how these improvements will play out in practice. On the positive side, stakeholders have seen some grants being processed, some processes being simplified and the daily operations of some civil society actors being less complicated than they were a year ago. That said, it is safe to say that there are still substantial challenges in the overall operating environment for civil society. For example, donors are still required to register grants, and these are still subject to "financial expediency assessment" by the Ministry of Finance. Some personal and organizational bank accounts of NGO figures remain frozen; in at least one case, a bank account was unfrozen, but then taxed, rendering the NGO unable to undertake the activity for which the grant had been given, Changes to laws restricting NGOs have not been made. There have also been recent developments that could point to further problems for civil society. [1]

Finally it is important to consider that all the stakeholders consulted by the SC and SU insisted that it is important for OGP to continue engaging with the government and civil society in Azerbaijan. This perspective was shared by government actors and a diverse set of civil society stakeholders, including the original filers of the complaint letter, as well as from representatives of international organisations and diplomatic missions in Baku.

For these reasons, the Criteria and Standards subcommittee hereby recommends to the Steering Committee to issue a resolution that: i) explicitly appreciates the progress made and the positive engagement to-date, ii) recommends extending Azerbaijan's inactive status for a period of 12 months, iii) provides a [30-60] day period to outline an updated set of requirements to improve the operating environment based on recent developments and in consultation with the Azerbaijan government, local civil society, and external experts.

1. Complaint Letter and Initial Review Process

On March 2, 2015, the Response Policy was triggered for the first time. The OGP Steering Committee received a letter of complaint from CIVICUS, Publish What You Pay, and Article 19 regarding the threats they perceived civil society to face in Azerbaijan, and the way those alleged threats affected civil society's ability to engage effectively in the OGP process. The letter raised concerns about five issues: government control over registration and operations of NGOs; government control over NGO finances; harassment of civil society; initiation of criminal and tax cases; and consultation failures. The Government of Azerbaijan was informed about the raised

[1] Particularly the decision to uphold the sentence for Giyas Ibrahimov of 10 years imprisonment and the alleged kidnapping in Tbilisi and arrest of Azeri opposition journalist, Efgan Muhtarli, on 29 May, 2017.

concerns and on April 15, 2015, the OGP Support Unit received a letter of response, which was considered during the review process.

After a thorough review of the claims made in the original letter, the Criteria and Standards subcommittee generated a report informed by credible third-party analysis of the situation in the country. Based on this research and analysis, the C&S deemed the concerns relevant, true, accurate, and an immediate and real threat to OGP's credibility. The C&S report also assessed that an OGP response could potentially "help establish a positive environment for government and civil society collaboration."

In order to address the situation described by the filers, C&S developed a set of five specific recommendations that the Government of Azerbaijan would need to undertake to meaningfully address the validated raised concerns. The C&S shared the following recommendations in a letter to the Government of Azerbaijan on July 6:

1. **Timeline for the next National Action Plan**. In its July 6 letter, the C&S requested that the Government of Azerbaijan submit its National Action Plan (NAP) by December 30th 2015, to begin implementation on January 1st 2016. The recommendation called for an action plan that is 18 months in length, ending in June 2017. C&S also requested that the Government of Azerbaijan produce a timeline for the consultation period of the new NAP in time for a check-in call in August 2015.
2. **Consultation with civil society**. The Government of Azerbaijan was asked to meaningfully consult with civil society organizations and citizens in the creation of its new action plan according to OGP requirements. The C&S subcommittee offered to prepare recommendations on how to conduct an open and representative consultation process. C&S recommendations also called for an independent assessment of the consultation process to be reported back to the C&S following the conclusion of the NAP consultation process.
3. **Peer exchange and technical support**. C&S members offered to share lessons learned from their respective NGO cooperation work.
4. **Commitments to improve the operating environment for civil society**. C&S requested that the government of Azerbaijan consider including commitments in the new action plan that specifically address the functioning of the Law on Grants, Law on Non-governmental Organizations, Law on Registration of Legal Entities and State Registry, and the Code on Administrative Offenses. C&S, in collaboration with NGO legal experts, deemed these commitments as best positioned to meaningfully address the barriers that NGOs currently face in registering and processing contracts and receiving funding, and worked together to develop recommendations on how implementation of these laws could help improve the operating environment for civil society organizations in Azerbaijan. C&S invited the Government of Azerbaijan to submit evidence on the progress made towards these reforms at the three and six-month marks of implementation following release of the new action plan in 2016. Those reports would be evaluated as part of the progress towards resolving the original response policy concerns, with the reports being sent to the full Steering Committee.

5. **Working with the OGP Steering Committee**. C&S invited the Government of Azerbaijan to participate in a teleconference in August 2015 to discuss the consultation process and be available for on-going support throughout the new action plan development process.

2. Stage One activities and interventions

In their response to the C&S recommendations, on August 28, 2015 the Government of Azerbaijan committed to conduct an open, participatory and wide consultation on a new action plan; use the resources and assistance of OGP and international partners; and to meet with members of the Criteria and Standards Subcommittee and discuss the specific issues on commitments during the OGP Summit in Mexico. The response noted that the drafting of the new NAP would begin "mid-October" and would be adopted either at the end of December 2015 or the beginning of January 2016.

On numerous occasions, C&S requested the Government of Azerbaijan to provide three key pieces of information:

1. The precise timeline to be followed during the National Action Plan drafting process.
2. The detailed steps and methodology to be followed in the National Action Plan drafting process.
3. The initial list of civil society organizations that would be involved in and consulted with during the National Action Plan drafting process.

While there was some communication with the Government of Azerbaijan, they were unable to come up with a precise timeline for the NAP development process. For example, on November 12, 2015, the C&S received notice that, "the Working Group on 'Improvement of legislation' (including government and civil society participation) had started drafting the new action plan, stating that "there is no strict deadline …, the timing of [the] drafting process could easily be increased for a month or even more."

In the last communication to C&S of 2015, dated December 4, the Government of Azerbaijan relayed that the first public discussion had taken place on November 27, 2015 with "members of civil society institutions and other stakeholders," that no proposals to address the operating environment had been presented by civil society, and that the organizations participating in the process had requested "not to focus on January deadline and prolong the consultation period depending on the way [the] process develops with the aim to engage all stakeholders and provide enough time for well developed document".

In light of this communication, the C&S granted an extension for delivering the new NAP to January 30 2016, noting that no further extensions would be granted. C&S also requested again that the Government of Azerbaijan provide a list of organizations participating in the action plan drafting process; the date, time and place of all public hearings at least 7 days in advance; and the minutes of all public hearings. These requests were communicated to the country on two separate occasions, via email on December 21, 2015 and in a formal letter on January 25, 2015. The letter also stated that: "If no National Action Plan, which clearly addresses the issues raised

during the review process, is received by January 30, 2016, the Criteria and Standards Subcommittee will begin deliberations on whether to make a recommendation to the Steering Committee on Stage two actions, in accordance with the OGP Response Policy."

On Saturday January 30, 2016, the Government of Azerbaijan submitted the list of organizations that had participated in the action plan drafting process to date, stated that during the initial hearings no minutes were taken, and that at the moment they could not "ensure that draft Action Plan will be ready for the end of January 2016."

On February 23 and 24, 2016, C&S met in Washington D.C. for their yearly in-person meeting. Their assessment of the actions developed to that date showed that the Government of Azerbaijan had not effectively addressed the recommendations established by C&S or meaningfully addressed the issues raised in the original complaint and validated in the review process under the timeline established for Stage one actions. Therefore, C&S resolved that in light of the information collected and actions taken so far, C&S would recommend that the SC consider moving to Stage 2 and that the appropriate action would be for the country to be listed as inactive in OGP.

On March 13-16, the then Deputy Minister for Public Service and Administration (DPSA) of South Africa and OGP lead Co-chair, Ms. Ayanda Dlodlo, undertook an official visit to the Republic of Azerbaijan. During this visit, Ms.. Dlodlo met with representatives of the Government of Azerbaijan (including the OGP National Focal Point, Mr. Vusal Huseynov, and the Chairman of Council of State Support to NGOs, Mr. Azay Guliyev); as well as civil society representatives (including the Chairwoman of the Azerbaijan National Chapter of Transparency International, Ms. Rena Safaraliyeva, and the National Coordinator of NGO Coalition on Anti-corruption, Mr. Alimammad Nuriyev). The report's conclusion states that: "There is a collective sense of gradual improvements in the democratisation process and openness in Azerbaijan. Notwithstanding this, some civil society expressed concerns that more still needs to be done by the government in order to improve the democratic space and the environment in which civil society operates."

In April 27, 2016, the President of Azerbaijan approved the "National Action Plan on Promotion of Open Government in 2016-2018".

3. Stage Two actions

On May, 4th, 2016, the SC of OGP met in Cape Town, South Africa. During this reunion, they recognized positive steps taken by the Government of Azerbaijan, including the submission of a new NAP. However, the core issues of concern raised in the original letter, validated by C&S, remained unresolved, specifically regarding constraints in the operating environment of NGOs. Henceforth, after a vote was taken, the SC resolved to designate Azerbaijan as inactive in OGP under the terms of the Response Policy.

The resolution outlined that the Government of Azerbaijan would have a maximum of one year to address the concerns raised by civil society organizations. To ascertain that steps were taken to

remedy the situation that triggered the Policy, the government in question would have to undergo a new Criteria and Standards subcommittee review process. The Steering Committee further resolved to offer all necessary support to the Government of Azerbaijan to address the concerns raised, and requests regular progress updates from the Criteria and Standards subcommittee.

This decision was informed to the filers of the letter of concern and the Government of Azerbaijan, followed by a press release.

On Friday, December 9th, 2016; representatives of the Government of Azerbaijan (Vusal Huseynov, Member of Parliament and OGP Point of Contact and Ayaz Gohayev, First Secretary of Cultural Affairs at the Embassy of Azerbaijan) met with SC representatives from the Government of France (Dylan Gerald, Ministry of Foreign Affairs and International Development; and Johann Uhres, Deputy Direction of Central Asia and Georgia at Ministry of Foreign Affairs and International Development); the Government of Georgia (Zurab Sanikidze, Head of Analytical Department and Head of Strategic Development Unit at the Ministry of Justice); Civil Society representatives (Nathaniel Heller, Managing Director at the Results for Development Institute (R4D); and Suneeta Kaimal, Chief Operating Officer of the Natural Resource Governance Institute); and Support Unit Staff (Paul Maassen, Director of Civil Society Engagement; and Alonso Cerdan, Deputy Director of Government Support). During the meeting, the Government of Azerbaijan representatives updated the OGP SC members on the latest developments in Azerbaijan, particularly the OGP Forum and the "One Stop Shop" for grant registration. The OGP representatives welcomed the advancements and expressed their interest to organize a visit to Baku in order to learn more of these initiatives.

On February 7 to 10, 2017, the OGP government co-chairs, the Government of France and the Government of Georgia, traveled to Azerbaijan with the objective of assessing the progress made so far by the Government of Azerbaijan on the recommendations laid out in the inactivity resolution of the SC, and to encourage the implementation of reforms. The French mission was represented by the Minister of State for State Reform and Simplification, Jean-Vincent Placé, and the Georgian Delegation consisted of Mr. Aleksandre Baramidze, First Deputy Minister of Justice, Mr. Zurab Sanikidze, Director of Analytical Department at the Ministry of Justice (MoJ) and the Co-chair of the National OGP Forum, and two additional officers of the MoJ. The Georgian delegation was headed by Thea Tsulukiani, Minister of Justice.

Between both delegations, meetings were held with a broad range of stakeholders from government and civil society, including members of the Government-Civil Society OGP Dialogue Platform. Based on the trip reports, the French delegation concluded that while measures have been taken to relax and simplify legislation on registering grants to NGOs, the civil society situation is still cause for concern. The Georgian delegation's report highlighted the progress made by the Government of Azerbaijan, including the establishment of the OGP Platform, the development of the 2016-2018 National Action Plan, and the "one-stop shop" mechanism for grant registration. In this regard, the Georgian delegation encourages the OGP SC to restore the full participation of the Government of Azerbaijan in the Partnership. In addition, both reports

concurred in the expression of the government and civil society stakeholders' desire for Azerbaijan to continue engagement in OGP and regain active status.

4. Progress Assessment

In order to assess progress with the five recommendations put forward by the SC, this section will distinguish between two categories of recommendations: 1)OGP process and process related activities (i.e. action plan development, consultation and peer exchange activities); and 2) activities that the Government of Azerbaijan has carried out in order to improve the operating environment of civil society organizations.

4.a. OGP related activities

Four out of the five recommendations put forward by C&S are related to OGP process, namely: 1) Development of timeline for the next National Action Plan; 2) Consultation with civil society; 3) Peer exchange and technical support; and 5) Working with the OGP Steering Committee.

The development of the NAP should not ignore the challenges that civil society organization face in Azerbaijan and that lead to the Response Policy case. The IRM has determined that Azerbaijan consulted with a limited number of civil society organizations during the development of their 2012-2015 action plan. However, consultation was hampered by a restricted civic space characterized by (i) restrictions on the ability of NGOs to receive funding based on registration requirements laid out by the government to foreign agencies[2] and (ii) an environment of intimidation towards non-governmental organizations, as was the case of the NGO EITI Coalition. The Coalition reported that since 2014 it was unable to conduct activities outside the capital due to the denial of permits for organizing public events outside Baku. Furthermore, bank accounts of the majority of NGOs active in the Coalition were either blocked or seized.[3]

On April 27, 2016, Azerbaijan's President, Mr. Ilham Aliyev, approved the "National Action Plan on Promotion of Open Government in 2016-2018". This action plan was developed in consultation with civil society organizations. Starting in November 2015, the Government of Azerbaijan held three public meetings to gather inputs for the development of the NAP.

A first public discussion was announced in October 2015 and held on November 27th, 2015. This event was organized with the Anti-Corruption Network. Proposed suggestions to be integrated in the action plan were noted and the Government acknowledged the presentation of a proposal for a new platform. Suggestions on structure and activity of the platform were scheduled for the next discussion.[4]

The second public discussion was announced on February 4th and subsequently held in the office of the Anti-Corruption Coalition on February 11th, 2016. A new draft of the action plan was

[2] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20554
[3] http://eiti-ngo-azerbaijan.org/?p=627
[4] http://antikorrupsiya.gov.az/view.php?lang=en&menu=3&id=438

prepared by a working group within the Anti-Corruption Commission ("the Commission") based on recommendations of CSOs and public institutions. Members of the Anti-Corruption Network, the Council of Europe and the US Embassy in Azerbaijan were present for the meeting. The Government invited all participants to send proposals online as well as to the Secretariat of the Commission or Coalition.[5] There were thirteen organizations in the meeting, including government agencies, civil society organizations, multilateral organizations and foreign embassies.[6]

Finally, a third meeting was held on March 14, 2016. During the event, the OGP's Point of Contact informed the participants about the process of development and how measures were going to be taken into consideration in the Action Plan. The Government stated that measures envisioned in the drafts were discussed and comments and feedback were noted. The Commission requested participants to send all proposals and also provided an email address to receive proposals.[7]

The consultation process that was carried out by the Government gathered both CSOs and members of the State. According to the government, CSOs like the Economic Research Centre and Transparency International Azerbaijan were part of the discussions and drafted and sent individual suggestions to the action plan.

However, conflicting views on this consultation process emerged as some organizations that the government mentioned to have attended claim that participation in these consultations was by invitation only and that they were not invited. According to a letter sent by Dr. Gubad Ibadoghlu from the Economic Research Center, the Center was not invited to participate in the meetings, although a formal request for participation was sent to the State Council on Support to NGOs. The letter also states that the majority of the organizations that submitted proposals concerning the content of the new NAP were excluded from participation. In that sense, the consultation process was not entirely open since several organizations were not included in the meetings, or their suggestions were not taken into account in the final drafts of the action plan[8].

The Government has yet to inform how many inputs were received during the consultations and how were the suggestions received included in the action plan. Additionally, there is no evidence of what specifications were laid out to proceed in these consultations (e.g. timelines, how to make proposals, method for consultation, how (if at all) participants become formal members of panels, etc.). CSOs have acknowledged this series of formal consultations and the notifications that participants received on the next steps. Although consultations were conducted formally, the main conclusions of the discussions were not made public[9].

[5] http://antikorrupsiya.gov.az/view.php?lang=en&menu=3&id=446
[6] "Learning Democracy" public union; Fund on fight against corruption; Transparency International Azerbaijan; Economic Research Centre; Development of relationships of society and citizen's public union; Council of Europe; Centre on Support to Economic Initiatives; Anti-Corruption Commission; Anti-Corruption NGO's coalition; U.S Embassy in Azerbaijan; "Media and civil public" public union; "Law and development" public union; and Media ve Social Initiatives Centre.
[7] http://antikorrupsiya.gov.az/view.php?lang=en&menu=3&id=453
[8] Letter sent by Mr. Gubad Ibadoghlu to the US Department of State.
[9] "Does Open Government Work? Case of Azerbaijan" Shadow Report on the Implementation of Open Government Promotion National Action Plan 2012-2015. Available at: http://erc.az/files/neshrler/Report-ENG.pdf

The information that the SU currently possesses indicates that at least some recommendations sent to the government were included in the NAP, such as adopting a single action plan and the two-year duration of NAP. The Government included a set of commitments to provide support to the projects and initiatives aimed at the promotion of open government principles and prevention of corruption, and to prepare proposals on improving the civil society environment in the country. Nevertheless, the language of the commitments is vague which makes it difficult to determine what elements of NGOs proposals were included in the action plan. Recommendations about financial transparency, accountability of state-owned companies and eliminating the conflict of interests in state management were not included.

4.a.1 Multi-stakeholder forum

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this may be an existing entity or a new one. A multi-stakeholder forum is understood as a structured environment designed to maximize participation and cooperation between government and civil society by bringing relevant partners into the discussion and ensuring that all voices are heard. As part of the recommendations to the Government of Azerbaijan, the SC and SU highlighted the importance of establishing such a forum.

A Civil Society Dialogue Platform on Open Government in Azerbaijan ("the Platform") was created in September of 2016. The Council of State Support to NGOs, housed under the President of Azerbaijan, held a closed assembly aimed at establishing the grounds for this Platform, along with state agencies and CSO representatives. The event was implemented under the "National Action Plan on Open Government Promotion in 2016-2018" dispositions and was constituted as a new forum created by the Government following their process with OGP. OGP guidance suggests that these fora should be an open space, however it is not clear which criteria were used to send invitations to CSOs. Ten state bodies, including the Anti-Corruption Commission and Ministry of Justice, Parliament and 34 CSOs established the platform[10]. Currently, the Platform holds 44 members, including the state agencies.

The Platform's statute calls for general meetings to be held once a month. In this regard, it has met in seven occasions since its creation in 2016. Most recently, the Platform met in February and April of 2017. In its February meeting, the platform discussed existing problems of CSO engagement in Azerbaijan and exchanged views on the implementation of their solutions. The meeting was attended by CSOs that were not members of the Platform, members of international organizations and embassies' officials. According to Mr. Alimammad Nuriyev, the Platform's coordinator, all statements made at the meeting were recorded and a proposal to establish a working group to have debates on specific issues was discussed,. Aside from the press release of the meeting[11], no further content was found on the Platform's website regarding this meeting. The Platform also held a conference in April with the Center for Analysis of Economic Reforms

[10] http://ogp.org.az/index.php/members/
[11] http://ogp.org.az/index.php/2017/02/09/government-civil-society-dialogue-platform-discussed-the-problems-of-ngos-and-made-a-statement/

on national economy and the key sectors of the strategic road map of the economy which was also reported in a press release.[12]

Notes, minutes and press releases from every meeting are sent to all members of the Platform. Press releases are posted on the Platform's website and are shared with OGP's Civil Society Engagement team. In response to a questionnaire sent to Mr. Nuriyev for this report, it was noted that all information about the platform's meetings are open to all citizens and the media. The platform is also currently working on creating an online channel to post interviews and other related information about the activities of the Platform.

NGOs in Azerbaijan have criticized the Platform since its beginnings. The Economic Research Center denounced that they were not invited to participate in the assembly meeting since participants required a special invitation from the Council.[13] On a letter submitted by 29 independent organizations in September of 2016, it was noted that out of 26 representatives who appealed for the establishment of OGP in the country[14], only three were invited to the Dialogue Platform[15]. Furthermore, the letter addressed several organizational and procedural issues of this initiative:

- Criteria for the selection of representatives (and chair) to the dialogue is unknown;
- The platform is not self-regulated and has not defined a clear set of rules and procedures;
- Duties and terms of work for the platform's coordinator were not drafted;

Most importantly, it was noted that the platform was limited to monitoring the implementation of the NAP. For these organizations, the Platform's memorandum, as its main charter of principles, only reads that the platform will serve as an advisory council[16]. No clear decision-making mandates were put forward in this declaration.

The Government of Azerbaijan claims that the Platform is currently completely open. During an interview, one of the signatories of the aforementioned confirmed that she was able to join the platform in late 2016 and is currently a member. [17]

4.a.2 Assessment

Azerbaijan conducted a technically-defined *open consultation* in accordance to the consultation requirements set out by OGP and under the standards analyzed by the IRM in each action plan cycle. CSOs were consulted on the action plan, and proposals were received and put into consideration. Furthermore, some of those proposals were included in the action plan. However, there are conflicting views as to the level of participation, since there are claims that it was limited

[12]http://ogp.org.az/index.php/2017/04/12/open-government-platform-will-be-closely-involved-in-the-implementation-of-strategic-road-maps/
[13] Shadow Report, http://erc.az/files/neshrler/Report-ENG.pdf
[14] http://opengovaz.org/en/latestnews/ogp-toolbox-hackathon-civic-tech-for-open-government-1/
[15]http://freeeconomy.az/news/dialoq-platformas-v-t-nda-c-miyy-tinin-irad-sini-ks-etdirmir/?language=english
[16] Shadow Report, http://erc.az/files/neshrler/Report-ENG.pdf
[17]http://ogp.org.az/index.php/shahla-ismayil-womens-association-for-rational-development/

to pro-governmental organizations and involvement of independent organizations was restricted[18]. The Civil Society Dialogue Platform as the multi-stakeholder forum established for the OGP process in Azerbaijan, does meet regularly and consults the stakeholders involved, in accordance to the IAP2 spectrum on public participation[19]. Participants of the platform are positive about the space provided and indicate that proposals made by them are being picked up by the Government. However, the level of participation remains unclear, since some NGOs in Azerbaijan claim a lack of broad representation within the Platform.

4.b. CSO Operating environment

The main recommendation made by C&S to the Government of Azerbaijan has to do with improving the operating environment for civil society. C&S recommended that: "In the next National Action Plan commitments should be considered to address the functioning of the Law on Grants, Law on Non-governmental Organizations, Law on Registration of Legal Entities and State Registry and the Code on Administrative Offenses.[…] Implementation of these reforms is crucial, such as creating a real-time register of Ministry of Justice grant approval requests so that civil society can monitor progress of their applications."

The following tables outline the improvements made in all of the mentioned legislation by referring to the situation in 2014 and in 2017. It also includes information on what remains to be done in order to correct the situation.

Law on Grants	
Situation in 2014:	The changes made to the Law on Grants introduced a requirement that the foreign donor must obtain the right to provide grant in Azerbaijan. The Ministry of Finances needs to issue a positive opinion on 'financial-economic expediency' of the grant. At the same time, if a foreign donor does not have a representative office in Azerbaijan and a special agreement with MoJ, its grant will not be registered.
Situation in 2017:	The right to provide grant has still to be obtained but now as a part of the grant registration process. All other requirements remain the same, on substance.
What is still needed to normalize the situation:	At a minimum: ● To eliminate the necessity for a foreign donor to have an agreement with MoJ and register its representation in Azerbaijan, in order to be a grantor.

[18] Summary Monitoring Report on the Application of Open Government Partnership Initiative in Azerbaijan. Report prepared by SEI with support of the National Resource Governance Institute.
[19] https://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/files/iap-006_brochure_a3_internat.pdf

	• To eliminate the need to obtain the opinion on 'financial-economic expediency' • To exclude foreign donors that operate on the base of bilateral and multilateral agreements with GOA from the obligation to obtain the right to provide grants.

Barriers that NGOs currently face in registering and processing contracts and grants.	
Situation in 2014:	In 2014 the Grant registration rules of 2004 were annulled and all requests of CSOs for grant registration were put on hold until new rules were adopted in 2016
Situation in 2017:	With October 2016 Decree of the President, single-window in grant registration is applied. At the same time, the procedures for donor registration and grant registered are merged with the CabMin Decision of 11 January 2017. The list of documents for grant's registration was shortened[20] and the period for submission of the documents was increased as per OGP's recommendation. However, the few CSOs that tested the single-window registration did not confirm the effectiveness of the process (for example, the most recent changes require that MoJ comments on the shortcomings of the grant registration package within one working day – this was not the case in the test applications). On a positive note, grants of some OGP member organizations have been registered. Also their banking concerns have been solved. Also,some foreign funders indicate that grants are being processed again (whereas others indicate to not yet see the difference). At the same time, the changes approved in January 2017, allow grant contracts to be registered as service contracts which has a less cumbersome registration procedure. The Cabinet of Ministers also approved the changes to the so-called 'donor registration rules' on 27 January 2017. The changes simplified the procedure of donor registration by reducing the list of required documents and the timeframe for their consideration.
What is still needed to	Serious efforts need to be made for ensuring effective implementation of the grant registration as well as registration of service contracts at the MoJ.

[20] Documents - on (i) state registry, (ii) charter of NGOs, (iii) right to give grants by donor organizations, (iv) submission of annual financial reports to Ministry of Finance by NGOs, (v) power of attorney in case of documents are not submitted by person who signed the contract or official representative of organization- are eliminated.

normalize the situation:	Since the regulatory changes do not eliminate the discretion of the authorities to arbitrarily deny grant registration, the legislation has to limit such discretionary powers.

Law on Non-governmental Organizations	
Situation in 2014:	No changes
Situation in 2017:	No changes
What is still needed to normalize the situation:	There were no changes to Law on NGOs in the recent time. Since the main issue for CSOs is an access to foreign funding, this area is not directly regulated by the Law on NGOs.

Law on Registration of Legal Entities and State Registry	
Situation in 2014:	There were problems with registration of CSOs at the MoJ
Situation in 2017:	The problem has not been addressed either on legislative level, or in practice at MoJ.
What is still needed to normalize the situation:	Simplify the registration process of CSOs at MoJ

Code on Administrative Offenses	
Situation in 2014:	This Code contains a long list of penalties for CSOs in rather high amounts.
Situation in 2017:	Despite a new Code on Administrative Offences entered into force in 2016, all the penalties against CSOs remained the same.
What is still needed to	Despite the fact that the GoA does not apply these penalties often, their mere existence have a chilling effect on CSOs in Azerbaijan. For this reason the penalties need to be revised.

normalize the situation:	

The interviews conducted by the SC/SU mission in May 2017 conveyed an overall impression that in some aspects - and for some actors - the operation environment improved slightly over the last 12 months, especially around registering and processing of contracts and grants. However, a wide range of recent reports that look at the operating environment for civil society in Azerbaijan - including from the Council of Europe - clearly state that there are still serious challenges to the smooth functioning of civil society.

5. Criteria and Standards Subcommittee Recommendation

The evidence presented shows that while the Government of Azerbaijan has made noticeable efforts in order to address the recommendations under the Response Policy review, there are still substantial challenges in the overall operating environment for civil society, which was the core component of the Response Policy case and the letter of concern filed.

For these reasons, the Criteria and Standards subcommittee hereby recommends to the Steering Committee to issue a resolution that:

1. Explicitly appreciates the progress made and the positive engagement to-date;
2. Recommends extending Azerbaijan's inactive status for a period of 12 months;
3. Provides a [30-60] day period to outline an updated set of requirements to improve the operating environment for civil society. These requirements will take into account recent developments and be developed by the Criteria and Standards Subcommittee in consultation with the Government of Azerbaijan, local civil society, and external experts.

The Criteria and Standards subcommittee recalls that, under the OGP Response Policy, the inactive status of an OGP participating country, -- if designated as such by the full Steering Committee -- lasts until the concerns raised in the original complaint letter are resolved. To ascertain that steps were taken to remedy the situation that triggered the Response Policy, the Government of Azerbaijan would have to undergo a new Criteria and Standards subcommittee review process, which may or may not recommend to the Steering Committee that the country be reengaged in OGP as an active participant. The Criteria and Standards subcommittee continues to hope that these steps will be taken in the near term and that Azerbaijan can re-engage in OGP as an active participating government.

Criteria and Standards Subcommittee Recommendation to the OGP Steering Committee Regarding the Participation of Montenegro in OGP

(January 30, 2017)

A. Overview of Montenegro's participation in OGP

The Government of Montenegro has been found acting contrary to OGP processes due to failure to deliver a NAP for three consecutive action plan cycles since November of 2014. Consequently, Montenegro's participation in OGP has been under review by the Criteria and Standards Subcommittee since November, 2015. This brief provides an overview of Montenegro's participation to date, actions on behalf of the Support Unit to support Montenegro's re-engagement in OGP, and the recommendation from the Criteria and Standards Subcommittee to the Steering Committee (SC) regarding Montenegro's participation in OGP.

1. *Action Plan Cycle 2014-2016 - 1st instance acting contrary to OGP Process*

   The Government of Montenegro joined OGP in September 2011 and submitted its first National Action Plan (NAP) in 2012. In 2014 it was awarded with the second place prize in the Open Government Awards, and following that they appointed an OGP team from the Prime Minister's office.

   On November 17, 2014, the Support Unit sent a letter to the Government of Montenegro informing that they had acted contrary to OGP processes for the first time due to not submitting their 2nd NAP by November 1, 2014, four months after the original deadline of July 1, 2014. This letter recognized that a NAP was being developed, and encouraged the Government of Montenegro to submit their NAP as soon as possible.

2. *Action Plan Cycle 2015-2017 – 2nd instance acting contrary to OGP Process*

   Montenegro worked on a draft a NAP in 2015 and made significant progress in formalizing a draft through the newly established national council on OGP. The council was dissolved in June of 2015 on court grounds of being illegally established. The council was eventually reestablished, but work on OGP work was stalled throughout the second half of 2015. The government has continued to actively participate in OGP conferences over this time, including the European PoC Conference in June 2015, the Western Balkans regional meeting in September 2015, and the Mexico Global Summit in October 2015.

   On November 17, 2015, the Support Unit sent a letter to the Government of Montenegro informing of that they had then acted contrary to OGP process for the second consecutive action plan cycle due to failing to submit their 2nd NAP by November 1, 2015, four months after the deadline of July 1, 2015. This letter further stated that the Support Unit had referred Montenegro's case to the Criteria and Standards Subcommittee who would review Montenegro's participation in OGP. In January 7, 2016, the Support Unit sent a cohort shift letter to the Government of Montenegro indicating that Montenegro had been shifted to even-year grouping of OGP countries, and established June 30, 2016 as the new deadline for their new NAP.

3. *Action Plan Cycle 2016-2018 – 3rd instance acting contrary to OGP Process*

   Despite further engagement and a video-conference with the Criteria and Standards Subcommittee in February 2016, the Government of Montenegro failed to finalize their NAP in time by June 30, 2016. Consequently, the Support Unit sent a letter on August 5, 2016, indicating that Montenegro was a month late in submitting their NAP, and reiterated that Montenegro's participation had been under review by the Criteria and Standards Subcommittee. The letter encouraged Deputy Prime Minister Lazovic to work with government and civil society to finalize Montenegro's NAP, and invited him to present it at the OGP Global Summit in Paris in December 2016.

   On November 13, 2016, the Support Unit sent a letter to the Government of Montenegro indicating that they had acted contrary to OGP process for the third consecutive action plan cycle by not submitting their new NAP by October 31, 2016, four months after the June 30, 2016 deadline. The letter informed the Government of Montenegro that the Criteria and Standards subcommittee had agreed that, since they had acted contrary to process for three consecutive times, if a NAP was not submitted by the end of 2016, the subcommittee would immediately recommend to the full SC that Montenegro be designated as inactive in OGP during their next in-person meeting of 2017. Lastly, Deputy Minister Lazovic was advised that the Government of Montenegro could prevent being designated inactive by submitting their NAP at the earliest possibility, before the SC's meeting in 2017.

B. Rules related to countries' participation in OGP

During their April 22, 2015 meeting, the SC adopted, with no objections, a resolution to clarify rules related to country participation in OGP. These recognized that "*all OGP participating governments should be producing new National Action Plans every two years, and that in some circumstances governments that are unable to fulfill all of their obligations under the Articles of Governance should be considered for inactive status until they take steps to re-engage in OGP.*" Moreover, it included information on the steps for countries to reactivate their participation.

Currently, a country can be considered to have acted against the OGP process in the following situations:

1. The country does not publish a National Action Plan within 4 months of the due date;
2. The National Action Plan was developed with neither online or offline engagements with citizens and civil society;
3. The Self-Assessment Report is not submitted within 4 months of the due date;
4. The country refuses to engage with the IRM researcher in charge of the country's Mid-term progress report and End-of-Term reports;
5. The IRM Report establishes that there was no progress made on implementing any of the commitments under the country's national action plan

According to the agreed rules in order to become active again, the government of Montenegro would have to either:

1. *Publish a National Action Plan, developed with the engagement of citizens and civil society.*

2. *Work with the Criteria and Standards Subcommittee and the Support Unit to set a clear timeline to start a new action plan cycle and re-engage with civil society for producing the new National Action Plan.*

If a country remains inactive for a period of one year without stating it wants to continue as a participant in OGP, the Support Unit will inform the Criteria and Standards Subcommittee of the situation. The subcommittee will then recommend to the Steering Committee that the SU moves the country off the inactive status list and is no longer listed as part of OGP. The Support Unit will send a letter to the country informing them about this procedure. If at any stage of the inactivity process a country indicates they are withdrawing from OGP, then the Support Unit will inform the Steering Committee and move the country off the inactive status list and no longer list the country as part of OGP.

C. Criteria and Standards Subcommittee's recommendation regarding Montenegro's case agreed on January 17, 2017

As per the information presented above, the Government of Montenegro has been found to be acting contrary to OGP process for three consecutive action plan cycles due to failure to publish a new NAP. The Criteria and Standards Subcommittee hereby recommends to the Steering Committee that it designates Montenegro as inactive in OGP in their next meeting in June 2017. The subcommittee also recommends that all Steering Committee members are proactive in contacting the Government of Montenegro to inform them they are at risk of being listed as inactive in OGP, until such a moment that they re-engage with the OGP process.

Open Government Partnership Statement on Domestic OGP Developments in Mexico

See Annex I: Letter submitted by Mexican Civil Society to the Steering Committee

See Annex II: OGP Steering Committee co-chairs statement on recent withdrawal by Mexican civil society from national OGP platform

Mexico | 25 May 2017

The Open Government Partnership has been closely following the recent developments regarding the national OGP platform in Mexico. The decision yesterday by Mexican civil society organizations to leave the national OGP platform is a statement that challenges everyone working on open government around the world. OGP represents a truly global network of reformers, and we stand ready to offer all our resources, energy and solidarity to Mexican actors to come together and find a way forward.

The government and civil society organizations of Mexico have played a crucial role in building an international partnership that has grown from 8 founding countries to 75 since 2011. Mexican actors have played a valuable role in pursuing domestic reform and generating awareness of open government regionally and internationally, including hosting the 2015 OGP Global Summit. Many countries have looked to the Mexican government and civil society reformers for inspiration and ideas on how to tackle the toughest challenges facing society through open government reform. At the heart of OGP is a domestic dialogue between government and civil society actors in each of our 75 countries. We sincerely hope that the Mexican government and civil society will be able to re-establish a working relationship in the future built on trust, transparency and accountability.

Criteria & Standards Subcommittee Proposed Changes to the Rules of the Game: Reconsidering OGP's Eligibility Criteria

Current Rules

According to the OGP Articles of Governance (AoG), eligible governments can join and participate in OGP through the following steps:

- Submit a letter of intent that signals their government's commitment to open government and intention to participate in OGP;
- Develop a concrete action plan according to OGP standards (see Addenda B and C); and
- Implement the action plan and report on progress in cooperation with the OGP IRM.

Addendum A outlines the current eligibility criteria:

Fiscal Transparency

The timely publication of essential budget documents forms the basic building blocks of budget accountability and an open budget system Measurement: Two points awarded for publication of each of two essential documents (Executive's Budget Proposal and Audit Report) for open budgets, using a subset indicators from the Open Budget Survey, conducted by the International Budget Partnership. http://www.internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey-tracker/

Access to Information

An access to information law that guarantees the public's right to information and access to government data is essential to the spirit and practice of open government. Measurement: 4 points awarded to countries with access to information laws in place, 3 points if a country has a constitutional provision guaranteeing access to information, and 1 point if a country has a draft access to information law under consideration. Countries with both a constitutional provision and a draft law under consideration will only be awarded the 3 points for the constitutional provision. Information sourced from an ongoing survey by Right2Info.org (a collaboration of the Open Society Institute Justice Initiative and Access Info Europe). http://right2info.org/access-to-information-laws

Public Officials Asset Disclosure

Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government. It is also important to make the data publicly available. Measurement: 4 points awarded to countries with a law requiring disclosure, and has any requirement that the information should be accessible to the public, 2 points awarded to countries with a law requiring asset disclosures, 0 points for no law on asset disclosure. Information sourced from the World Bank's Public Officials Financial Disclosure database, which is updated on a rolling basis. The database is supplemented by a published survey the World Bank conducts every two years.

Citizen Engagement

Open Government requires openness to citizen participation and engagement in policymaking and governance, including basic protections for civil liberties. Measurement: Using the EIU Democracy Index's Civil Liberties sub-indicator where 10 is the highest and 0 is the lowest score, 4 points for countries scoring above 7.5, 3 points for countries scoring above 5, 2 points for countries scoring above 2.5, and 0 points otherwise.

Overall Scoring

Eligibility to join OGP is determined by evaluations of countries' performance in these four critical areas of open government. Countries can earn a total of 16 points for their performance in these four areas, or 12 points if they are not measured in one of the metrics. Countries that earn 75% of the applicable points (either 12 out of 16 or 9 out of 12) or more are eligible to join.

As of December 31, 2016 98 countries are eligible to join in OGP.

If a participating country falls below the minimum eligibility criteria, the AoG state:

"Should a participating government fall below the minimum eligibility criteria (see Addendum A, updated each year by the OGP Support Unit), that government should take immediate and explicit steps to address issues so that it passes the threshold within one year. "

No information is given regarding the next steps if the government fails to improve with one year.

Proposed Changes to the Rules

The Criteria and Standards subcommittee proposes that a new set of standards be introduced for countries that are applying to join OGP. Under these rules, eligible governments that match any of the three conditions below will be required to have their participation in OGP approved by the Steering Committee before being officially included as an OGP participating country. Those conditions are as follows:

- If the current ruling party holds more than 75% of seats in the lower chamber (or only chamber, if unicameral) of the national legislature.
- If the current government came to power by any means other than through a democratic election.
- If the current Head of Government has been in office for more than twelve years.

If one of these countries applies to join OGP, the Support Unit will notify the Steering Committee and give all SC members two weeks to request a discussion about the application. In accordance with the OGP's Steering Committee's longstanding procedures, any request for further discussion will not be attributed to the member that requests the discussion.

If requested, the discussion will then take place within one month (the discussion should be held in-person if a meeting is already on the schedule for the next month). Representatives of the applying government will be invited to participate in that discussion and articulate the case for their government joining OGP. Steering Committee members will then have a discussion on the government's membership, concluding with a majority vote (again by secret ballot) on one of three options as below:

1. Government is invited to join immediately.
2. Government is invited to join once certain conditions are met.
3. Application is rejected.

If the government is permitted to join with certain conditions, the Steering Committee will then have a discussion about those conditions in which members can submit proposals which are then voted on individually. An example of a condition may be for the government to hold new elections within a year.

Criteria & Standards Subcommittee Proposed Changes to the Rules of the Game: Review of Countries Acting Contrary to OGP Process

Current rules
Currently, a country can be considered to act contrary to OGP process in any of the following five situations:

1. The country does not publish a National Action Plan within 4 months of the due date
2. The National Action Plan was developed with neither online or offline engagements with citizens and civil society
3. The Self-Assessment Report is not submitted within 4 months of the due date
4. The government fails to engage with the IRM researcher in charge of the country's Mid-Term progress report and End-of-Term report
5. The IRM Report establishes that there was no progress made on implementing any of the commitments in the country's National Action Plan

The consequences for a government when it acts contrary to OGP process are:

- The responsible minister for OGP will receive a letter from the Support Unit with details about the particular situation and an offer of support
- The situation will be noted in the IRM report
- If a government acts contrary to process in two consecutive action plan cycles, a review of the country's participation in OGP will be conducted by the Criteria and Standards subcommittee. The subcommittee will make recommendations on next steps, which may include inactivity.

The moment to recommend inactive status is not formally outlined. However, there is a precedent. On November 8, 2016 C&S meeting, the subcommittee decided that if a country is found to have acted contrary to process for three consecutive cycles, the C&S will automatically recommend inactivity to the Steering Committee.

So far, there are two ways to finalize the review process:

1. If a country delivers a National Action Plan. (This is mainly because most of the countries that are under review are there because they fail to deliver a NAP).
2. Become inactive.

If placed in inactive status, a country would become active again in the following circumstances:

1. Publishes a National Action Plan, developed with the engagement of citizens and civil society.

2. Works with the Criteria and Standards subcommittee and the Support Unit to set a clear timeline to start a new action plan cycle and re-engage with civil society for producing the new National Action Plan.

Proposed Changes to the Rules

A. Name

1. Clarify the name of the process and differentiating from the Response Policy review. ***Recommendation:*** *Support Unit proposes to change name to Procedural Review.*

B. Triggers

The five 'triggers' for acting contrary to process should be re-considered individually:

1. The country does not publish a National Action Plan within 4 months of the due date.

   Recommendation: *no change, this deadline provides the flexibility that some governments need/have asked for.*

2. The National Action Plan was developed with neither online or offline engagements with citizens and civil society.

   Recommendation: *SU, EIP and IRM propose the following standard "The government did not meet the IAP involve requirement during development or inform during implementation of the NAP as assessed by the IRM."*

3. The Self-Assessment Report is not submitted within 4 months of the due date.

   Recommendation: *The government would no longer be considered as acting contrary to process. However, the responsible minister would still receive a letter from the Support Unit noting a self-assessment report was not submitted and the IRM report will note the delay.*

4. The government fails to engage with the IRM researcher in charge of the country's Mid-Term progress report and End-of-Term report.

   Recommendation: *SU, EIP and IRM propose the following standard: The government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance."*

5. The IRM Report establishes that there was no progress made on implementing any of the commitments in the country's National Action Plan.

Recommendation: *If this trigger is activated then the country is automatically placed under review.*

IRM proposed measures	
Trigger #	**Standard & Indicator**
Trigger 2	For reference we include the standard from the Participation and Co-creation Guidelines ("Standard") as well as the method of assessment ("Indicator"). a) During development (Y1 report) i) Standard - *Dissemination of Information 3. The government publishes an **overview** of public and civil society **contributions**, and the government's **response**, on the national OGP* website/webpage. ii) Indicator: 1. IRM IAP2 Spectrum score of "Involve" b) During implementation (Y1 report; Y2 report) i) Standard - *Co-ownership and joint decision making 5. The multi-stakeholder forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders.* ii) Indicator: 1. IRM IAP2 Standard of "Inform" iii) Evidence 1. Minutes of multi-stakeholder forum made public (Updates/minutes are to be produced at a minimum every 6 months - Implementation, Monitoring and Reporting: Standard 1) c) Throughout OGP cycle i) Standard - *Throughout, Spaces and Platforms 3. The government and/or multi-stakeholder forum accepts inputs and representation on the NAP process from any civil society or other stakeholders* ii) Indicators: 1. Open vs. Invitation only (development); 2. Open vs. Invitation only (implementation); 3. Required value: "open" (as opposed of "invitation-only")
Trigger 4	For reference we include the standard from the Participation and Co-creation Guidelines ("Standard") as well as the method of assessment ("Indicator"). a) Standard - *Dissemination of information 4. 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).* b) indicators (proposed): i) **Repository existence:** Does the country have a document repository? 1. Required value: yes ii) **Consultation:** Does the repository contain primary evidence of the breadth (who) and depth (how) of consultation? 1. Required value: yes iii) **Commitment implementation:** Does the repository contain primary evidence of commitments? 1. Required value: yes

Criteria & Standards Subcommittee Proposed Changes to the Rules of the Game: NAP Development and Implementation

Note: Most of the rules for this section are not currently part of the Articles of Governance and are based on decisions developed by Steering Committee or Support Unit guidance.

OGP Calendars, Timeline and Delays

1. Current rules:

OGP countries are grouped into odd and even year grouping, according to the year in which they submit their National Action Plan (NAP). The timeline for NAP development (i.e. for 2016) is presented below.

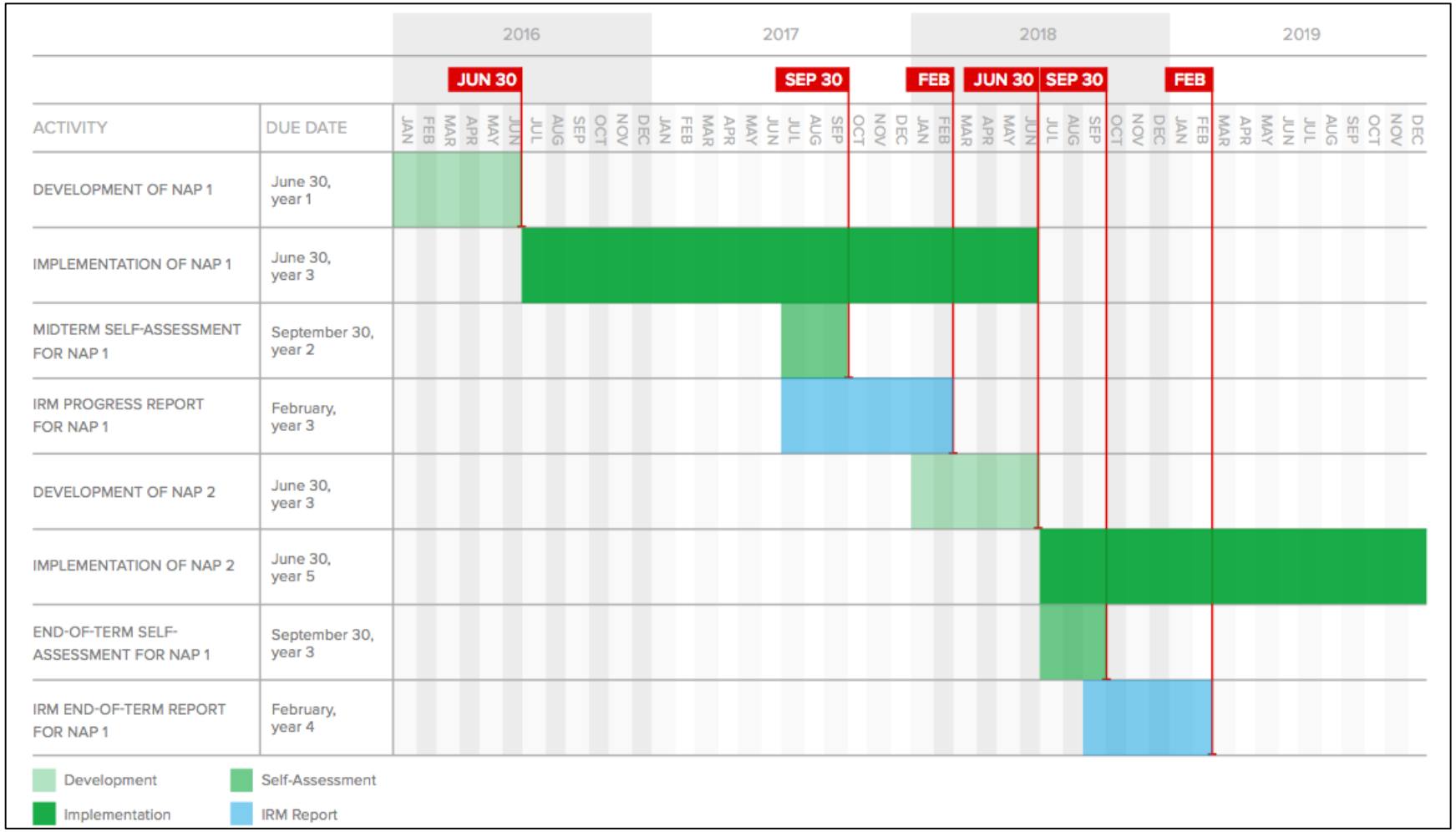
Proposed Changes to the Rules

1. New SU calendar proposal (see proposed new calendar below).

Summary of proposed changes:

1. NAP development is pushed back by two months: formal deadline would be August 30th.
2. New concept of delivery window is introduced, it outlines that countries could deliver their NAP within a three month period from July 1st to September 30. Regardless of when the NAP is delivered, the NAP implementation would end on August 31st.
3. The hard deadline would shift to December 31st (four months after the deadline). If missed, countries would shift to the next cohort.
4. Self-assessment report would be due on September 30, giving countries only 30 days to develop.
5. IRM report would be delivered during April, not January.

Current timeline for NAP development (i.e. for 2016)



Proposed new timeline for NAP development, to be effective starting in 2018

ACTIVITY	DUE DATE	Changes / comments	2018 J	F	M	A	M	J	J	A	S	O	N	D	2019 J	F	M	A	M	J	J	A	S	O	N	D	2020 J	F	M	A	M	J	J	A	S	O	N	D
DEVELOPMENT OF NAP 1	August 31	pushed back 2 months																																		
Delivery window	New	new idea, have the window for everyone																																		
"hard deadline"	December 31st	4 month, after acting contrary and cohort shift																																		
IMPLEMENTATION OF NAP 1	Sep 1 to Aug 31	pushed back 2 months																																		
MIDTERM SELF-ASSESSMENT FOR NAP 1	Sept 30	pushed forward 2 months																																		
IRM PROGRESS REPORT FOR NAP 1	April 1	researchers deliver Dec 31, presented in April																									D			D						
DEVELOPMENT OF NAP 2	August 31																																			
Delivery window	New	new idea, have the window for everyone																																		
"hard deadline"	December 31	4 month, after acting contrary and cohort shift																																		
IMPLEMENTATION OF NAP 2	Sep 1st to Aug 31st	pushed back 2 months																																		
END-OF-TERM SELF-ASSESSMENT FOR NAP 1	Sept 30	Move to Dec. 31st?																																		
IRM END-OF-TERM REPORT FOR NAP 1	April 1st	Move to July ?																																		
MIDTERM SELF-ASSESSMENT FOR NAP 2	Sept 30	Pushed forward 2 months																																		
IRM PROGRESS REPORT FOR NAP 2	April 1st	Researchers deliver Dec 31, presented in April																																		

Strategy for the Uptake of the Paris Agenda on Open Government

The Paris Declaration on Open Government was endorsed by the OGP Steering Committee during the OGP Global Summit in Paris in December 2016. The Declaration reaffirms OGP's principles and values for openness based on the OGP Declaration, written and signed by all Steering Committee members. It consists of 20 collective actions which offer concrete ways to push the frontiers of open government reforms at the global, national and subnational levels in three emerging thematic areas: transparency, integrity and anti-corruption; sustainable development and climate change; and common digital tools and capacity.

The 20 collective actions received over 300 contributions from 30 governments and 70 civil society organizations who have offered to share their expertise, tools or resources in order to advance the collective actions they signed up to. These actions are output-oriented and intended to produce tangible results, creating a framework for an ambitious open government agenda for the years ahead. A visual mapping of the collective actions can be found through a new tool developed by France's Etalab team (soon to be published).

The Paris Declaration's success will not be measured by the number of governments and CSOs that signed up to it but by the ambitious reforms it inspires that find their way into future NAPs. For this to become a reality we encourage governments, civil society, and partners such as the Working Groups to work together to advance the collective actions.

Collective Action Leaders and their Roles

Thirteen of the twenty Collective Actions overlap with the expertise and policy areas covered by the six OGP Working Groups. Providing support for the implementation of the Paris Declaration is a Working Groups priority in 2017. To take the Paris Declaration forward, the corresponding Working Groups will lead these actions, while those that fall outside the scope of current Working Groups will be led by the governments and CSOs who signed up to them. A mapping document of the 20 collective actions and corresponding leaders can be found here.

As leaders of Collective Actions, they will have four primary roles:

1) Work with the Support Unit to identify a subset of the most concrete and ambitious 300+ contributions related to the Collective Action they lead.
2) Support governments to utilize the Paris Declaration as a source of inspiration to develop new commitments in their upcoming NAPs through facilitating peer exchanges and sharing of tools, success stories and available resources.
3) Leverage the Paris Declaration to expand their convening power by encouraging Collective Actions contributors to join the Working Groups.
4) Encourage updates on Paris Declaration contributions made at the Summit in December - and on new commitments they inspire in NAPs - to showcase how the Paris Agenda on

Open Government is being taken up by OGP countries at the national and subnational level.

The goal of the Paris Declaration is to inform an ambitious agenda for open government. Since National Actions Plans (NAPs) are at the core of OGP's model, they are the ideal vehicle for the uptake of this agenda. The NAP development process offers a timely opportunity to identify peer-exchange needs of OGP participating countries, which may be met by the comprehensive supply of support available through the Paris Declaration and the Working Groups. A total of 29 OGP participating countries* are expected to submit new NAPs in 2017, many of whom signed up to various collective actions. Governments and civil society who made commitments through the Paris declaration should work with one another to include them in their upcoming NAPs, and all contributors should follow through on commitments made to share their knowledge and expertise. The OGP Steering Committee and the Support Unit encourage the whole OGP community to use the Paris Agenda on Open Government as a source of inspiration for developing ambitious new commitments and as the impetus for enhanced peer learning.

**Afghanistan, Argentina, Bosnia and Herzegovina, Burkina Faso, Cape Verde, Colombia, Costa Rica, Croatia, Denmark, Finland, France, Germany, Ghana, Israel, Jamaica, Latvia, Liberia, Luxembourg, Malta, Montenegro, Nigeria ,Pakistan, Panama, Papua New Guinea, Peru, Philippines, Spain, Tanzania, Trinidad and Tobago, United States.*

Taking the work of the PLS Subcommittee and Working Groups to the next level: A new OGP subcommittee to reflect the Strategic Refresh's emphasis on thematic leadership

This note follows up on discussions by GL, PLS co-anchors, and civil society SC at the retreat in Paris in March 2017. Following GL's request to think through a renewed strategic approach to peer learning that is aligned with strategic refresh objectives, this paper focuses on two core components—the future of the PLS subcommittee and the OGP working groups—that complement the Support Unit's enhanced support to government and civil society across the partnership. The note proposes a new OGP subcommittee on Thematic Leadership, to build on the work of PLS and meet the Steering Committee's desire to have a greater focus and engagement on creating a race to the top on priority open governance reforms in the partnership.

Rationale for a new approach

Raising the collective ambition of governments and civil society across sectors is at the heart of OGP's Strategic Refresh. This requires governments to maximize their National Action Plans to tackle the biggest problems facing their countries as well as adapting emerging standards and best practice to implement open government reforms suited to their context. It also means civil society using OGP as an advocacy platform to push for high-impact reforms. Most significantly, it requires building new coalitions of reformers to spur collective action in the face of formidable public policy challenges facing OGP countries. Peer learning and exchange, which underpins OGP's race-to-the-top model, is indispensable in realizing these objectives. To successfully deliver on the strategic refresh, OGP would need to deepen its peer learning ecosystem beyond the OGP Working Groups with a strong focus on thematic leadership. This calls for more focused approach to thematic leadership, utilizing high level OGP events and strategic peer learning and exchange based on:

- Stronger sector-based Steering Committee leadership to advance core open government topics, including by galvanizing leadership outside of the Steering Committee
- Using the Paris Declaration as a 20-point agenda for open government policy and advocacy at the global and national levels
- Extending peer learning programs and activities of the Support Unit and Working Groups by leveraging new opportunities such as the Multi Donor Trust Fund (MDTF)

A New Subcommittee for Stronger Thematic Leadership

The Steering Committee has not to date had an explicit focus or structure on mobilizing a race to the top, instead focusing on oversight of peer learning approaches and tools through the PLS subcommittee. Given the strategic refresh and the Paris agenda, there is a renewed opportunity to create a real race to the top by reinvigorating advocacy, using OGP events

more politically, and deepening learning and exchange on core open government thematic issues for greater ambition. Hence we propose the sunsetting of the current PLS and the creation of a new subcommittee to champion thematic leadership among Steering Committee members and the wider Partnership across priority sectors of the Paris declaration. While the declaration provides a useful entry-point to mobilize leadership and partnerships across thematic priorities, this new subcommittee could play a more active strategic role to deepen those efforts given SC member participation in global agenda-setting (e.g. G20 and SDGs) and existing reform coalitions (e.g. C5 on Open Contracting). This would help galvanize SC leadership, align priorities of strategic refresh with SC & Support Unit efforts at the global and national levels, and provide the sustained and concrete action that progress on core thematic areas demands. This rebooted subcommittee would:

- Ensure the OGP Steering Committee is continuously reviewing how OGP is being used for high-level strategic discussions around progressing crucial policy issues (anti-corruption, climate change, etc.) with a focus on raising ambition and not just on the process of making commitments.
- Position and promote OGP as a strategic implementation and accountability platform for transformative reforms in thematic areas among high-level government and civil society actors and in international fora (e.g. G20, WEF, etc) in support of OGP's new global advocacy strategy.
- Lead strategy discussions with the full Steering Committee and principals in the wider Partnership on thematic leadership, including ensuring Ministers and civil society leaders use their political capital to engage with their peers in other countries.
- Take stock of efforts and support Steering Committee members to lead by example by inspiring and advocating OGP governments and civil society to make ambitious commitments in priority sectors of the Paris declaration.
- Provide connections to new government, civil society, and multilateral strategic partners and relevant global networks. Help deepen current partnerships who can support ambitious commitments in collectively identified thematic priority areas (e.g. UK/ Mexico working with peer OGP countries to advance open contracting as part of the C5).
- Support peer learning activities focused on the race to the top and identify strategic champions within relevant government ministries and civil society to collaborate on these initiatives (e.g. European Beneficial Ownership workshop organized by Zuzana Wienk).
- Support OGP's need for evidence of results and impact across priority thematic areas.
- Advise the Support Unit on the coordination with OGP Working Groups and other strategic partnerships to encourage ambitious commitments in their policy areas.

<u>How will the New Subcommittee operate?</u>

- To be co-chaired starting September 2017 by a government and civil society pair who have shown thematic leadership on one or more of OGP's priority areas from the Paris

Declaration and beyond.

- Subcommittee will consist of five government and five civil society members of the Steering Committee interested in advancing specific thematic areas in OGP through political leadership and concrete action. The sub-committee membership should consist of champions representing a broad range of thematic issues of priority to OGP.
- The subcommittee will annually review OGP's priority areas, for example from the Paris Declaration, and identify where there is strong leadership and where there are gaps that require further action to develop a political coalition to take the thematic area forward.
- The sub-committee will work with the Steering Committee to follow through on concrete action that members commit to for advancing OGP's thematic priorities. SC meetings should be used to report back and take stock on actions taken by SC members.
- At regular monthly meetings, the subcommittee will discuss a specific thematic issue. The goal of regular meetings will be to:
    - Take stock of political leadership as well as peer support activity among SC members to advance the particular thematic area under discussion.
    - Request updates from the Support Unit on state of commitments and program activities in that particular thematic area.
    - Invite governments (including relevant implementing agencies) or civil society organizations to present innovative open government reforms to be shared and scaled up in other countries. This could include non-Steering Committee members.
    - Strengthen the collection of evidence of results and impact in support of open government reforms across priority thematic areas
    - Take stock of upcoming bilateral, regional, global, and thematic conferences and meetings that can be leveraged by Steering Committee members to promote specific thematic issues as well as OGP as an implementation and accountability platform.

Review of the Working Group model for enhanced thematic leadership and peer-to-peer support

The PLS subcommittee co-chairs have conducted a light-touch review into the existing peer learning and support available in OGP. Since the OGP has been established, there has been a series of reviews of peer learning. We have brought together the results of these reviews, as well as incorporating feedback from discussions with relevant actors including government and civil society participants as well as Working Group co-anchors. One of the key things that has been raised with the focus on peer learning has been that peer learning has become an end goal of OGP's efforts, rather than being a method of achieving transformational reforms in OGP's thematic priorities.

Findings

The PLS co-chairs have identified several challenges facing the working groups model as it currently exists.

First, the yearly entitlement of $25,000 to the working groups is not sufficient to meet the demand for sustained peer learning in priority areas. Working group co-anchors and the SU frequently have to provide their own resources (both time and money) or fundraise to ensure peer learning activities are successful. Enabling the working groups and others to competitively access larger amounts of funding for activities would reduce the burden on those organisations leading activities. A competitive bidding process also has the advantage of incentivizing motivated organizations to apply and follow through on peer support proposals. The funding pot could be held by the SU or the new OGP Trust Fund.

Second, the working groups are frequently hamstrung by limited government participation in their activities. Some governments have been vital additions, but often they fail to provide much benefit to the working group. Often governments can engage with issues around particular political priorities or events, but are unable to sustain their involvement in the medium or long term.

Third, there is room for more enhanced coordination between the SU country engagement team and the working group co-anchors. The country engagement team have crucial information about when and how the working groups can best support governments and civil society in the development and implementation of National Action Plans.

Fourth, since the civil society co-anchors often dominate the working group given limited government participation, there is a risk that the working group's agenda emphasizes co-anchor priorities over those of the wider community of practice.

As a result the working groups have not fulfilled their potential in providing sustained technical assistance and peer learning to support NAP development and implementation.

<u>Recommendations</u>

We are making the following recommendations:

1. The Support Unit (SU) should set up a fund which allows working groups and other interested parties to bid for money to support peer learning and support activities. That way a larger amount of funding can be allocated on a competitive basis to working groups for high-impact peer learning activities. While the details need to be worked out, one option might be to discontinue the automatic funding of $25,000 at the end of the financial year The new funding mechanism would come into effect in 2018. Given these changes, it is recommended that Working Group co-anchors don't rotate (scheduled for July) and they should operate as business as usual until the end of the current year. Meanwhile, the Support Unit should determine the funding amounts and how the competitive financing mechanism will work, for example by deciding if the pot will be held by the SU or channelled through the new OGP Trust Fund.

2. Support Unit to allow informal communities of practice, which come together to organise specific activities, to bid for money from the central fund to support their work. These are in addition to the working groups, and should include collective action areas identified in the Paris Declaration.

3. Improve the coordination between the SU country engagement team and the working group co-anchors in order to provide more upstream support. This is especially important for links between the working groups and governments.

4. Working Groups should lead implementation of the Paris Declaration since thirteen of the twenty Collective Actions overlap with the expertise and policy areas covered by the six OGP Working Groups (Open Climate, Access to Information, Fiscal Openness, Legislative Openness, Anti-corruption, and Openness in Natural Resources). Working groups can advance thematic agendas by mobilizing their networks for advocacy, expanding ambition by promoting standards and benchmarks (e.g. GIFT principles on deepening citizen participation in the budget process), and building coalitions of reformers for accelerating collective action. These activities could be supported through the competitive fund wherein working groups apply for funding for projects around priorities defined by the thematic leadership subcommittee.

5. OGP's framework for peer learning and technical assistance need to be fundamentally reconfigured in a manner where the Support Unit takes is accountable for tactical delivery of peer learning and technical assistance programs and the new subcommittee focuses on the strategic aspects of political leadership and coalition building to advance thematic priorities. Consistent with this vision, we recommend finalizing a standardized menu of services for delivery by the Support Unit to support the process of NAP development and implementation through peer learning and technical assistance. The capacity and funding of the Support Unit should be accordingly strengthened to meet the demand around NAP cycles and sustainably offer these services to a large pool of countries. One option is for these services could be professionally delivered through an expert partner contracted to serve as the thematic hub for advancing particular priority OGP themes (for example, Open Contracting Partnership to advance open contracting reforms). The contractual relationship could help hold the partner to account, which is a challenge of the current working group model. This arrangement would be complemented tactically by the working groups technical assistance and peer learning work as well as strategically strengthened by the Steering Committee's thematic leadership subcommittee.

Next steps

The Peer Learning and Support Subcommittee will discuss this proposal and make a decision on the following:

1. Disband the PLS subcommittee. The PLS subcommittee will cease to exist starting September 2017 (at the next Ministerial Steering Committee when new OGP co-chairs take over).

2. Propose replacing PLS with a Thematic Leadership subcommittee at the June 27-28 Steering Committee meeting. If approved the new subcommittee will be launched in September 2017 at the next Ministerial Steering Committee meeting. Meanwhile, the Support Unit will clarify the mandate, membership, and terms of reference for the new Thematic Leadership Subcommittee in consultation with the Steering Committee, and in particular GL which has the responsibility of ensuring balance in the subcommittees. The terms of reference would reflect lessons learned from the experience of running the PLS, C&S, and GL subcommittees.

3. Support Unit to institute a competitive funding mechanism for the OGP Working Groups, which will be effective in 2018. The Support Unit will determine details of how this would work through - or in alignment with - the OGP Trust Fund.

4. Given upcoming changes to the working group funding model in 2018, all Working Groups are to operate on a business as usual basis for the rest of 2017, including no change in co-anchorship.

The Steering Committee will decide on the following resolution upon recommendation by the PLS subcommittee:

The Peer Learning and Support subcommittee is disbanded effective September 2017 (i.e. at the next Ministerial Steering Committee meeting). A new Thematic Leadership Subcommittee--whose mandate is to champion political leadership across OGP's priority thematic areas including those set out in the Paris Declaration--will be launched at the September 2017 ministerial SC meeting.

Annex I: Letter submitted by Mexican Civil Society to the Steering Committee

Núcleo de la Sociedad Civil para el Gobierno Abierto en México

Open Government Partnership
1110 Vermont Avenue NW
Suite 500/ Open Gov Hub
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United States

Mexican Civil Society Statement for OGP Steering Committee

May 23 2017

Open Government Partnership
Steering Committee

Ever since the start of the Open Government Partnership, Mexico has always reflected both the forthcoming innovations and challenges in a country's openness process. Our internal governance body, the Tripartite Technical Secretariat, is represented by Civil Society, the Executive branch of government (currently represented by the Ministry of Public Administration) and the National Institute of Access to Information and Data Protection (INAI). This secretariat has co-created and evolved over time, fostering the country's open government agenda and defining every Action Plan ambitious commitment building and follow-up mechanisms. Despite all complexities and the continuously adverse country context, the key for such positive co-creation process has been mutual trust, common conviction on the values of open government, and an equal alignment to the principles of the Open Government Partnership.

Unfortunately, we write to you today to let you know that the civil society organization nucleus has unanimously arrived to the conclusion that there are no longer conditions for truthful co-creation and honest dialogue within the Secretariat and to continue our participation in the country's mechanism and the 3rd Action Plan. The tipping point behind such decision is the evidence of high-technology surveillance attacks to Mexican civil society and the lack of involvement from our government counterparts at the Secretariat. Also, there has been an important loss of political will regarding the 3rd Action Plan as several government offices from the Executive branch have tried to decrease the scope or modify commitments and actions agreed upon after a wide co-creation process with over 300 participants in 2016.

On February 11th 2017, CitizenLab published a technical report detailing evidence of digital surveillance attack against three prominent research scientists and health advocates in Mexico, two of which actively participated in the open government commitment building process[1]. This attack was done with high-end spyware Pegasus sold only to governments by

[1] See CitizenLab's report "Bitter Sweet: Supporters of Mexico's Soda Tax Targeted With NSO Exploit Links": https://citizenlab.org/2017/02/bittersweet-nso-mexico-spyware/

Israel-based cyber-warfare company NSO Group. Pegasus, as other sophisticated spyware, works under targeted individual infections that if successful can access and record a great variety of data, files and even use recording software of the victim's mobile device. Previous revelations had identified the Mexican government as an international top buyer of spyware technology from firms like NSO Group (estimated to be USD $20 million) or Hacking Team (estimated to be over EUR €5 million)[2].

The New York Times published this story in the front page and the case has deeply shocked Mexican, Latin American and specialized international civil society, health and technology communities.[3] The victims and local digital rights specialists (R3D, SocialTIC and Article 19) publicly demanded the Mexican government to explain their involvement in these cases and have clear transparency, accountability and safeguard mechanisms to avoid government-driven illegal and disproportionate surveillance[4]. Support letters from the civic-technology and health local and international have been signed by tenths of organizations and specialists. No public nor official response by any Mexican authority has been expressed.

The Open Government Civil Society group saw with outrage these revelations since they directly represent a threat to safe civic participation, government institution trust, legality and the values of open government. On February 16th 2017, the Mexican Civil Society Nucleus signed a letter to our partners at the Open Government Tripartite Technical Secretariat expressing profound concern on government-lead surveillance on civil society and demanded proactivity in order to clarify these actions and to make the necessary efforts to enable regulation, transparency and accountability controls that can prevent illegal and disproportionate surveillance[5]. So far, no public nor official response to address these issues has been expressed by any our counterparts at the TTS in 3 months.

Our main concern is that government-lead top-end technology purchases and illegal surveillance against activists, civil society and journalists is a constant activity. Despite the technical complexities to detect, assess, and track such sophisticated malware, there is evidence of its illegal purchases and use from government offices in the previous and current administration. CitizenLab's reports identify Mexico as the world's top users of NSO Group infrastructure ahead of UAE and Uzbekistan[6]. And after the attacks to health specialists was widely known in the country, several journalists, activists and civil society organizations have approached local NGOs with evidence of similar or even the same attack

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[2] See Derechos Digitales's February 11 2017 report on "Hacking Team in Latin America" https://www.derechosdigitales.org/wp-content/uploads/HT-map.png

[3] See New York Times's "Spyware's Odd Targets: Backers of Mexico's Soda Tax": https://www.nytimes.com/2017/02/11/technology/hack-mexico-soda-tax-advocates.html

[4] See press brief and letter: http://elpoderdelconsumidor.org/saludnutricional/el-espionaje-del-gobierno-de-mexico-a-defensores-del-derecho-a-la-salud-no-debe-quedar-impune/

[5] See the letter: https://goo.gl/z4reBU

[6] See CitizenLab August 24 2016 report "The Million Dollar Dissident: NSO Group's iPhone Zero-Days used against a UAE Human Rights Defender": https://citizenlab.org/2016/08/million-dollar-dissident-iphone-zero-day-nso-group-uae/

patterns. These cases are being assessed by CitizenLab and have been kept confidential to safeguard the safety of the staff of these organizations.

The latest report by Mexican digital right's specialist NGO R3D labels the surveillance as "out of control"[7]. The problematic goes beyond specific cases and it is embedded in Mexico's core government practices that systematically foster impunity, abuse of power, and even attacks against dissidents. In a 21st Century open government context, surveillance affects not only the safety and privacy of civil society, but also every day operations of the attacked organizations and lives of the people working for civic causes. It is impossible to have an open, secure, and free civic space and co-creation environment under digital surveillance. This systematic actions in Mexico should worry all OGP members since illegal and disproportionate digital surveillance is increasingly becoming a characteristic of authoritarian, undemocratic, and opaque governments.

The Mexican OGP process has always highlighted the different factors that can strengthen and weaken open government. Mexico is a country with a solid legal framework, a strong civil society, and a mature institutional ecosystem that when leaded with true and powerful political will, champions the open government agenda which can become a real transformative inertia. Mexico has shown the world that co-creation is possible and that it can reach specific outcomes, like some identified in our 2nd Action Plan. On the other hand, however, we live in a country with systemic handicaps such as corruption, impunity, conflict of interests, violence, attacks on the media, and human right violations that constitute key factors for a secure, free, and participatory civic space.

In 2015's OGP International Summit, Mexican Civil Society expressed deep and visible concerns on how the Mexican government would showcase the open government agenda but achieving very little change at home regarding the most profound country issues and would even act with total incongruence to open government values and principles[8]. Mexican civil society has constantly demanded that the Mexican Government embraces openness at the highest level and leads by example, beyond specific commitments.

Mexico's 3rd Action Plan was an ambitious effort to achieve in-depth solutions to some of the country's deepest problems. The commitments were aligned with the Sustainable Development Goals (SDGs) in order to reach mid-term impact. The participation process to define the commitments was also extense in order to reach out to a larger and more diverse stakeholders that would not only define impactful commitments but also support the implementation process. The 3rd Action Plan was published at the OGP last November. A specific report on the changes introduced by the government will be described in the next IRM.

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[7] See R3D's November 2016 Report "Estado de Vigilancia en México": https://r3d.mx/wp-content/uploads/R3D-edovigilancia2016.pdf

[8] See Mexican civil society statement at the 2015 OGP Summit in Mexico: http://fundar.org.mx/urgente-que-la-alianza-para-el-gobierno-abierto-se-convierta-en-una-plataforma-efectiva-para-ayudar-a-resolver-los-grandes-problemas-que-enfrenta-mexico/?ID=12

Núcleo de la Sociedad Civil para el Gobierno Abierto en México

Our current disappointment and frustration expressed in this letter is not a sudden reaction nor a loss in the battle for government openness in Mexico. The civil society organisations that write this letter have committed to continue fostering the open government agenda in Mexico and pursue many of the activities we do to engage with local civil society, other powers in government, and in-depth reflections on how to make openness part of the government's DNA beyond commitments and OGP events. We look forward to continue working with OGP at a regional and international level. And locally, we shall build new and stronger strategies so that an ambitious 4th Action Plan can be successfully co-created in 2018 or 2019. We are also strongly considering the possibility of submitting an action to initiate the Response Policy within the OGP framework. We would very much like for this Mexican issue to be addressed at the next meeting of the OGP Committees in Washington, D.C.

We are deeply committed to the OGP agenda and values. As difficult as these decisions may appear, we are convinced they are necessary for maintaining the trust in the initiative in the long run.

Sincerely yours,

Ana Cristina Ruelas - Article 19
Edna Jaime - CIDAC, Centro de Investigación para el Desarrollo
Ernesto Gómez - Contraloría Ciudadana
Tomás Severino - Cultura Ecológica
Haydeé Pérez - Fundar, Centro de Análisis e Investigación
Alejandro González - GESOC, Agencia para el Desarrollo
Juan E. Pardinas - IMCO, Instituto Mexicano para la Competitividad
Francisco Rivas - Observatorio Nacional Ciudadano
Juan Manuel Casanueva - SocialTIC
Eduardo Bohórquez - Transparencia Mexicana

Annex II: OGP Steering Committee co-chairs statement on recent withdrawal by Mexican civil society from national OGP platform

Statement from OGP Steering Committee co-chairs on recent withdrawal by Mexican civil society from national OGP platform

14 June 2017

The Open Government Partnership Steering Committee received a letter on Tuesday, May 23rd from ten Mexican civil society organizations outlining their reasons for withdrawing from the Mexico Tripartite Technical Secretariat that governs the national OGP process in their country. These include allegations of surveillance of civil society organizations, which is a worrying global trend that undermines civic space and freedom of speech. As co-chairs we are following the situation closely, and offer our full support to all concerned parties especially Mexican civil society organizations, the Mexican government, and the National Institute of Transparency, Access to Information and Protection of Personal Data (INAI). We are united in our belief that the same ingredients of open government - meaningful open dialogue, transparency and accountability - that have had such tangible results in Mexico and in so many OGP National Action Plans around the world, will be equally helpful in reestablishing trust and cooperation between government and civil society in Mexico.

As co-chairs, we have benefited greatly from a close working relationship with our colleagues from the Mexican government and the Mexican civil society. Together they have been a leading force in OGP since it was founded in 2011, including as a lead chair and host of the 2015 OGP Global Summit, and as members of the steering committee.

Since its creation, the OGP framework has been based upon the idea that although each country situation is unique, with its own history and challenges, working together as an international body we can support one another with ideas and experience. Whereas the withdrawal by Mexican civil society is clearly a domestic issue, the OGP Steering Committee, which will next meet on June 27-28, will discuss this matter in order to reflect on how the Partnership can provide support to Mexican parties to continue working on open government reforms that can improve the lives of all Mexicans. We will reach out to Mexican government officials as well as civil society organizations in advance of the meeting to offer our full support.

OGP Steering Committee Co-Chairs
Government of France
Government of Georgia
Manish Bapna, Executive Vice President and Managing Director, World Resources Institute
Mukelani Dimba, Executive Director, Open Democracy Advice Centre