



## **OGP Steering Committee Meeting**

**September 20, 2017  
New York, New York**

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**OGP Steering Committee  
Ministerial & Working Level Meetings  
September 20, 2017  
New York, New York**

**Ministerial Level SC Meeting (8:30-12:15)**

**8:30-9:15**

Arrival and light breakfast served

**9:15 - 11:15**

**The Steering Committee's role in advancing OGP's Strategic Refresh**

- State of the Partnership and the Role of the Steering Committee (20 minutes)
- Call to action (45 minutes): Steering Committee members share commitments to advance OGP's country, thematic and global priorities
- Strategic discussion (40 minutes): A) How do we build on the Paris Declaration, and the priority the Steering Committee has given to thematic leadership, with real action by governments and civil society to increase the uptake of these reforms in OGP? B) Given the current geopolitical context, including within OGP countries, how can the Steering Committee more proactively stand up for the values of open government?

*Expected outcome: Steering Committee share concrete commitments and actions that they will take forward over the next year aligned with priority countries, themes and global agendas for OGP.*

**11:15-11:45**

**OGP Subnational Program**

- Update on subnational program, including remarks from Madrid City representative Pablo Soto.
- Recommendation for the expansion of the subnational program to up to 15 more pioneers in 2018.

*Expected Outcome: Steering Committee approves proposed resolution.*

*Background Materials:*

- *OGP Subnational Program Recommendation*

**11:45-12:15**

**OGP co-chair handover**

- Presentation of new lead co-chairs and priorities for co-chairmanship year
- Introduction of new incoming support co-chairs (TBC)

*Background Materials:*

- *Joint vision statement by Government of Georgia and Mukelani Dimba*



### **Lunch (12:00 - 13:00)**

Lunch will be provided during the recess between the Ministerial level and working level Steering Committee meetings. Ministers are welcome to join for lunch and continue the discussion with their counterparts.

### **Working Level SC Meeting (13:00-17:00)**

#### **13:00-14:30**

##### **Criteria & Standards**

- Follow up on Rules of the Game - Steering Committee reviews and approves/rejects proposed changes:
  - a) Values Check
  - b) Steering Committee Eligibility
  - c) Commitment Cap
  - d) Response policy

*Expected outcomes: Steering Committee reaches consensus on the proposed package of Rules of the Game changes*

##### *Background Materials:*

- *Criteria and Standards Subcommittee recommendations for each Rules of the Game element*
- *Criteria and Standards approved protocols on eligibility criteria and procedural review (for information only)*

#### **14:30-15:00**

##### **OGP country performance check-in**

- As part of an “early warning system” for the Steering Committee the Support Unit will present an update on countries in OGP where support or interventions are needed, or may be needed soon.

*Expected outcomes: Steering Committee agrees to allocate actions to countries where support is needed.*

#### **15:00-15:15**

Coffee Break

#### **15:15-16:15**

##### **Thematic Leadership**

- Progress Update: Thematic Leadership Subcommittee and Revised Working Group Model
- Discussion on reenergizing OGP’s race to the top as individual governments and civil society leaders in their own countries, and as thematic leaders across the partnership.

*Expected outcome: Agree actions to operationalize the Ministerial discussion on thematic leadership.*

##### *Background Materials:*

- *Thematic Subcommittee Mandate & Revised Peer Exchange model*



**16:15 - 16:45**

**Process updates**

- IRM update, including on the IRM refresh
- OGP's "State of Open Government" flagship publication

**16:45 - 17:00**

Wrap up and close



## Draft List of Attendees

### Government Steering Committee Members

#### Government of Brazil

TBC

#### Government of Canada

Minister Scott Brison

President of the Treasury Board of Canada

Kelly Murdock

Policy Advisor of the President of the Treasury Board

Taki Sarantakis

Associate Secretary of the Treasury Board of Canada

Jordan Zed

Director of Open Government of the Treasury Board of Canada Secretariat

Garnett Genuis, MP

MP for Sherwood Park — Fort Saskatchewan, and Opposition Deputy Critic for Human Rights and Religious Freedoms

#### Government of Chile

AMB. María del Carmen Domínguez

Director of Strategic Planning, Ministry of Foreign Affairs

Rodrigo Mora

Executive Secretary, Commission on Probity and Transparency, Ministry General Secretariat of the Presidency

#### Government of Croatia

Sandra Pernar

Senior Advisor, Government's Office for Cooperation with NGOs

#### Government of France, Lead Co-Chair

Minister Mounir Mahjoubi

Minister of State for the Digital Sector, attached to the Prime Minister

Mathieu Maucort

Deputy Director of the Minister's Office, and Advisor for economic and Digital Sector

Naomi Peres

Advisor on Public Innovation and Inclusion

Layla Rahhou

Chief of staff, in charge of Communication and Relations with the Parliament

Henri Verdier

Chief Data and Digital Officer, Prime Minister Office



|   |  |
|---|--|
| Laure Lucchesi  | Director, Etalab, Prime Minister Office  |
| Amelie Banzet   | Open Government Office, Etalab, Prime Minister Office  |
| Mathilde Bras   | Open Government and OGP, Etalab  |
| David Martinon  | Ambassador for Cyber Diplomacy and the Digital Economy, French Ministry of Europe and Foreign Affairs            |
| Rachel Ruamps   | Advisor, Accountability, Transparency and Anti-Corruption Program, French Ministry of Europe and Foreign Affairs |
| Paula Forteza, MP   | MP for Latin America and the Caribbean   |
| <b>Government of Georgia, Incoming Co-Chair</b><br>Minister Thea Tsulukiani | Minister of Justice  |
| Zurab Sanikidze   | Director of Analytical Department at the Ministry of Justice of Georgia  |
| <b>Government of Indonesia</b><br>TBC                                       |  |
| <b>Government of Italy</b><br>Minister Maria Anna Madia                     | Minister for Simplification and Public Administration  |
| Patrizio Caligiuri  | Head of the Technical Secretariat  |
| Nicoletta Santucci  | Head of Press Office   |
| Pia Marconi   | Head of the Department for Public Administration   |
| Stefano Pizzicannella   | Director of Institutional and International Relations Office and Member of the OGP Team                          |
| Ernesto Belisario   | Member of the OGP Team   |
| <b>Government of Mexico</b><br>Minister Arely Gómez González                | Minister of Public Administration  |
| Eber Omar Betanzos Torres   | Deputy Minister of Public Administration   |



|   |   |
|---|---|
| Alejandra Rascón  | Head of Open Government and International Cooperation Unit, Ministry of Public Administration |
| Dante Preisser Rentería   | Head of the Liaison Unit to the National Anticorruption System                                |
| Pablo Villarreal  | Deputy Director General of International Affairs, Ministry of Public Administration           |
| <b>Government of Romania</b><br>Minister Radu Puchiu              | State Secretary, Secretariat-General of the Government  |
| Larisa Panait   | Counsellor, General Secretariat of the Government   |
| <b>Government of South Africa</b><br>Minister Dipuo Letsatsi-Duba | Minister for Public Service and Administration  |
| Willie Khisimusi Vukela   | Deputy Director-General at the Department of Public Service and Administration (DPSA)         |
| Thokozani Thusi   | Chief Director-Public Participation and Social Dialogue (PPSD), Service Delivery Branch, DPSA |
| <b>Government of South Korea</b><br>Minister Kim Boo-kyum         | Minister of the Interior and Safety   |
| Seongho Park  | Director General of Government Innovation Planning Bureau                                     |
| Junhee Kim  | Counsellor of the Permanent Mission of the Republic of Korea to the United Nations            |
| Sangwoo Ha  | Secretary of Minister   |
| Sudok Han   | Deputy Director of Government Innovation Planning Division                                    |
| Yujin Lee   | Deputy Director of Government Innovation Planning Division                                    |
| Suhyun Jung   | Deputy Director of Good Governance  |
| Jongsoo Yoon  | Co-chair/civil society member of OGP Forum Korea  |
| Wonjae Park   | Executive Principal of National Information Society Agency                                    |



## Government of United Kingdom

Minister Rory Stewart

Minister of State for the Department for International Development and Minister of State for the Foreign and Commonwealth Office

Hazel Hobbs

Director of Strategy and Engagement, Government Digital Service

Thom Townsend

Senior Policy Officer, Data Team, Cabinet Office

Doreen Grove

Director of Open Government, Engage Scotland: Local Government and Communities, Scottish Government

## Government of United States

Tess McEnergy

Director for Democracy, Human Rights and Governance, National Security Council, White House

## Civil Society Steering Committee Members

Manish Bapna

World Resources Institute (WRI), Lead Co-Chair

Mark Robinson

WRI, *Second for Manish Bapna*

María Baron

Directorio Legislativo

Alberto Alemanno

The Good Lobby, *Second for Helen Darbishire*

Mukelani Dimba

Open Democracy Advice Centre (ODAC), Incoming Co-Chair

Aidan Eyakuze

Twaweza

Alejandro Gonzalez

GESOC

Nathaniel Heller

Results for Development

Robin Hodess

Transparency International

Suneeta Kaimal

Natural Resource Governance Institute (NRGI)

Marie Lintzer

NRGI, *Second for Suneeta Kaimal*

Colleen King

NRGI (*observer*)



|                    |  |
|--------------------|--|
| Zuzana Wienk       | Fair Play Alliance   |
| Tur-Od Lkhagvajav  | Asia Democracy Network (ADN)                               |
| Giorgi Kldiashvili | Institute for Development of Freedom of Information (IDFI) |

### Others Attendees

|                  |   |
|------------------|---|
| Pablo Soto Bravo | Madrid City Council Member in charge of Citizen Participation, Transparency and Open Government ( <i>observer</i> ) |
|------------------|---|

### Open Government Partnership Support Unit

|                 |              |
|-----------------|--------------|
| Abhinav Bahl    | Support Unit |
| Tonu Basu       | Support Unit |
| Stephanie Bluma | Support Unit |
| Alonso Cerdan   | Support Unit |
| Joseph Foti     | Support Unit |
| Lotte Geunis    | Support Unit |
| Kate Lasso      | Support Unit |
| Paul Maassen    | Support Unit |
| Jaime Mercado   | Support Unit |
| Joe Powell      | Support Unit |
| Sanjay Pradhan  | Support Unit |
| Meghan Wallace  | Support Unit |

### Logistical Note

The ministerial and working level Steering Committee meetings will be held at the **Ford Foundation** on Wednesday, September 20. Government-issued ID required.

- Ford Foundation is temporarily located at 1440 Broadway New York, NY. Please note that the entrance to the building is on West 40th Street between Broadway and 6th Avenue.

Individual subcommittee meetings will be held at **WeWork NoMAD offices (79 Madison Ave New York NY 10016)** on Tuesday, September 19 at the following times:

Criteria & Standards: 10:00am - 11:00am, Room 9C (9th floor)

Thematic Leadership: 8:45am - 11:00am, Room 2A (2nd floor)

Civil Society Steering Committee: 11:00am - 02:00pm, Room 2A (2nd floor)

\* *You will enter at 27 E 28th Street, check in at the front desk and be sent to the 2nd Floor for TLS or the 9th Floor for C&S.*



## Participation Protocol

The Steering Committee 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.



# Steering Committee Background Materials



## OGP Subnational Government Pilot Program Summary Memo and Draft Resolution

In April 2016, OGP announced 15 local governments chosen to participate in a groundbreaking Subnational Pilot Program: Austin, US; Buenos Aires, Argentina; Jalisco State, Mexico; La Libertad, Peru; Ontario Province, Canada; São Paulo, Brazil; Elgeyo Marakwet County, Kenya; Kigoma Municipality, Tanzania; Sekondi-Takoradi, Ghana; Madrid, Spain; Paris, France; Scotland, UK; Bojonegoro Regency, Indonesia; Seoul, South Korea; and Tbilisi, Georgia. This program allows OGP to tap into successful open government innovations being developed at a local level. It also allows OGP to support a growing number of subnational governments that are looking for new ways to interact with citizens, build trust, and harness the opportunities provided by new technologies to improve the lives of all citizens.

These 15 subnational governments submitted one-year Action Plans at the Paris Global OGP Summit in December 2016 and will be implementing them throughout 2017. The highlights of these Action Plans are showcased in the report: [What's in the OGP Subnational Action Plans?](#) These action plans are under assessment by the Independent Reporting Mechanism. As the pilot program has progressed, momentum around the OGP at the local and regional level has expanded with over 100 governments and civil society organizations interested in becoming involved in OGP, as well as existing city networks looking to partner with OGP to advance open government principles within their networks (e.g. the World e-Governments Organization of Cities and Local Governments (WeGO)). Additionally, a growing number of OGP national governments are increasing the subnational input into their National Action Plans, including co-created local commitments.

At the June 2017 Washington, DC working-level meeting, Steering Committee members recognized the admirable progress and momentum of the current pilot program; agreed to extend the current pilot beyond 2017; expressed interest in capturing the momentum and interest in OGP at the subnational level through increasing the scale and scope of the subnational program; and showed an appetite for continued experimentation with the OGP subnational model, such as with competitive entry into OGP and/or intensive implementation support. These next steps were agreed as contingent on OGP having the additional resources and capacity needed to expand the subnational work.

In July 2017, OGP hosted civil society and government representatives from each of the 15 subnational pilot participants for a global subnational workshop. The objectives of the workshop were to learn and share implementation successes and challenges, build collaboration opportunities across the cohort, capture and share OGP Subnational Pioneer Stories, understand the support, process and role of the OGP Support Unit and IRM, and provide input into the future design of subnational participation in OGP. The workshop identified some consensus observations for what has driven early program success, such as:

1. Relatively small cohort size;
2. Competitive entry into program (45 applied for 15 slots);
3. Engaging the IRM early in the action plan cycle, through an early action plan review to assess relevance, specificity, and potential impact; and
4. Intensive implementation support through peer exchange and technical partner support.



In summary, the OGP subnational program has had a strong start, with a competitive selection process yielding highly motivated pioneer participants who have made an interesting range of open governance reform commitments and have been sharing their knowledge internationally. IRM reports assessing these commitments will be published in early-2018. In the interim, there is a need for OGP to continue sending a strong political signal of support for local governments efforts around transparency, participation and accountability. Additionally, OGP needs to find a way to address the already high demand of new local governments continually seeking ways to “join” or formally link up with OGP in some fashion.

To capture this momentum, we recommend a two-pronged approach beginning in Q3 of 2017. First, to endorse a limited expansion in the number of subnational governments joining OGP as pioneers in 2018. Second, and concurrently, to re-launch a wider group of subnational “Leaders” who can participate in OGP in a lighter touch manner, including through guided peer learning (webinars), networking (participation in OGP events, engagement with existing local government networks such as WeGO, C40, and UCLG), and self- or peer-reviewed assessments of single commitments.

The following is a proposed resolution for Steering Committee consideration from the subnational taskforce of the Steering Committee:

*The Steering Committee welcomes the strong early results of the subnational pilot program and the 15 pioneer local governments. We recognise the crucial link between the emphasis in OGP’s overall strategic refresh on citizen-centric governance and the importance of further integrating local governments into OGP.*

*The Steering Committee recognises that the subnational pilot Pioneers model has worked well, and that OGP should build sustainably based on learning from the initial program (including from the IRM), while balancing the availability of resources and the opportunity costs associated with continued subnational expansion. We support maintaining the involvement of the current 15 Pioneers with new action plans in 2018, and we agree to recruit up to an additional 15 Pioneers to join the program in 2018. In addition, we agree to re-launch the OGP Leaders tier of subnational governments and civil society partners with an emphasis on lightweight peer learning and networking.*



**Georgia and Mukelani Dimba**  
**Co-chair Vision for the Open Government Partnership**  
**October 2017 – October 2018**

*(Subject to final approval by the Prime Minister of Georgia)*

*Vision to get things done with the people, for the people*

In these modern times, when innovation and technology have become leading pathways to success in the global economy, the definition of open governance has expanded. We aim to dedicate our co-chair term to strengthen the basics of open government – to ensure peoples’ opportunity to influence governmental decisions that affect their daily lives.

Since its inception, the Open Government Partnership (OGP) participating countries have translated many challenges into success stories: more open data is now available for the public, access to information and traditionally closed archives are now more accessible, beneficial ownership falls under the transparency regime, countries join efforts to implement collective actions enshrined in the Paris Declaration and the Sustainable Development Goals (SDGs), and so on. Along with promoting a movement forward in various directions, as Co-chairs, we aim to remind OGP governments that they are pursuing a simple but powerful goal: to better serve and empower their citizens. Hence, closing the feedback loop in designing and implementing OGP reforms will be high in our Co-chairs’ agenda.

We have carefully chosen several key thematic areas for our term as Co-chairs to ensure that OGP reforms generate more tangible results and have meaningful impact on citizens’ lives.

### **Strategic Goals**

We have identified four strategic goals, fully aligned with strategic directions of the Strategic Refresh of the OGP undertaken by the OGP Steering Committee, each involving activities that touch citizens’ lives every day.

**Goal 1:** Strengthen co-creation and citizen engagement

**Goal 2:** Advance transparency and the fight against corruption

**Goal 3:** Generate innovation in public service delivery

**Goal 4:** Build a better partnership

### **STRENGTHEN CO-CREATION AND CITIZEN ENGAGEMENT**

The well-being of every citizen is the core value that led to launching the OGP more than five years ago. Civic engagement, in most cases, is key to successful identification and implementation of reforms that address the needs of the public. We will encourage the deepening of citizen-centered governance with the ultimate goal of securing life and dignity, through effective realization of socio-economics rights.

We will use our Co-chairs’ term to:

⇒ Support countries to comply with the OGP Participation and Co-creation Standards by creating a learning tool for co-creation, based on Georgia’s permanent dialogue mechanism



- the Open Government Georgia’s Forum – a distinctive instrument that our government established to co-create open government reforms with civil society;
- ⇒ Share our experience beyond co-creation and assist our partners to launch a monitoring and assessment system of OGP reforms, guaranteeing civil society participation in monitoring and evaluation;
- ⇒ Share with OGP governments different tools to ensure better citizen engagement in the law-making process;
- ⇒ Emphasize the importance of citizen engagement and citizen-centric governance in both the OGP process and OGP commitments.

## **TRANSPARENCY AND ANTI-CORRUPTION**

We aim to propose concrete ways to advance reforms at the global, national and sub-national levels in transparency and Anti-Corruption. Georgia has a solid track record of combating corruption and creating institutionalized mechanisms for Anti-Corruption policy coordination and monitoring.

We aim to:

- ⇒ Share our experience in designing mechanisms to prevent and fight against corruption at different levels;
- ⇒ Promote a dialogue on inter-linking anticorruption reforms to open government agenda;
- ⇒ Encourage and support the Eastern Partnership countries to seek coherence between and mutually reinforce their OGP reforms and Anti-Corruption strategies through enhancing cooperation and synergies with the Anti-Corruption global and regional mechanisms;
- ⇒ Encourage the elevation of whistleblower protection as one of the key Anti-Corruption mechanisms;
- ⇒ With help of our partners from United Kingdom, Brazil, the Open Society Foundation and Transparency International, fully dedicate ourselves to making the OGP Anti-Corruption Working Group deliver, elaborating and further enhancing its strategy and action plan.

## **INNOVATION IN PUBLIC SERVICE DELIVERY**

Georgia has gone through rapid transformation, with notable success. Our reform priorities include ensuring unimpeded and efficient access to public services even for those living in remote villages. These efforts bring public administration closer to citizens through the production of services more tailored to the needs of users. However, experience shows that improving the design and quality of public services, coupled with the efforts to foster public participation through closing the feedback loop, is a process that enables government to build a real bridge connecting each and every citizen.

We will use the co-chair term to:

- ⇒ Introduce innovative approaches and methodologies to OGP countries to take the public service delivery to a new level and ensure its efficiency;



- ⇒ Share our unique practice of joining government and private sector efforts in delivering various services;
- ⇒ Introduce innovative solutions to closing the feedback loop and hearing each citizen's voice to improve public service delivery;
- ⇒ Encourage OGP participating countries to link the OGP to the SDG Agenda by encouraging the development of national action plan commitments that relate to realization of better outcomes in governance, access to justice and socio-economic rights.

## TO BUILD A BETTER PARTNERSHIP

Apart from taking a leading role in implementing the renewed OGP Strategy and the collective actions under the Paris Declaration, we aim to strengthen the Partnership through the following:

### **Raise the OGP's profile globally**

Today, OGP stands at a turning point when enhancing its geo-political positioning is of utmost importance.

We will work with the OGP leadership, participating countries and civil society to implement the OGP strategy in this regard and additionally, to arrange specific activities to **position OGP as a powerful global movement for achieving openness and deeper democracy** and as a countervailing force against the closing of civic space and distrust in government. We will work with partner countries and civil society to communicate and promote the OGP's message across the globe.

We aim to help the OGP Support Unit (SU) to create a database of results stories and evidence that open government leaders – including SC members, envoys and ambassadors, can rely upon when raising the OGP profile globally.

### **Inclusiveness of government efforts**

Georgia prides itself to be among a few countries where all branches of the government are involved in the OGP process. Under the OGP umbrella, the Supreme Court of Georgia proactively publishes surveillance data, the Parliament of Georgia is elaborating the second Open Parliament Action Plan, Tbilisi – the capital city of Georgia is implementing its first Open Government Action Plan.

We strongly believe that a comprehensive approach at the national level has defined Georgia's overall country performance in various directions. Hence, with the aim to foster the broadening of collective ownership of OGP domestically, we aim to encourage OGP participating countries to raise the bar of openness at the judicial, parliamentary and sub-national levels through **creating a knowledge sharing platform** specifically dedicated to shape thinking at the global level. This will involve producing stories, guidelines and various learning tools on how to involve judiciary, parliament and cities in the pursuit of openness.

Additionally:

- ⇒ The OGP co-chairs will work closely with the Parliament of Georgia, other members of the OGP Steering Committee, the SU, and the OGP's Parliamentary Openness Working Group to identify several countries seeking mentorship to make parliaments more open and responsive to OGP principles. The OGP co-chairs will support partner countries to join a



legislative openness journey and the OGP work globally through highlighting the role of parliaments in promoting open governance and positioning the OGP to recognize innovations that make parliaments more open and responsive;

⇒ Tbilisi City Hall will support the OGP to take the Subnational Government Pilot Project to another level by sharing its knowledge with partner cities that are not currently participating in the Project, but have the potential to become new champions of a second cohort.

### **Expanding the community**

Georgia is at the crossroads of Europe and Asia that encourages us to play a leading role in different regions of OGP. We will reach out to attract a few States to join the OGP community. We aim to establish a robust regional presence and invite the Eastern Partnership countries to champion openness and meaningful engagement with civil society.

We will equally prioritize **inviting new civil society organizations** and **multilateral partners** to our community to ensure that OGP becomes an indivisible part of the global CSO agenda. Our priorities include to establish a deeper partnership with the European Union, as well as agencies of the African Union. We aim to join our efforts to assist governments and civil society, especially from the countries that might not have sufficient resources to take and then implement ambitious commitments.

We will follow the lead of our predecessors, France and the World Resources Institute, to create more structured opportunities for **engaging the private sector** at national and global levels.



## Criteria and Standards Cover Note: Rules of the Game Review

In the lead up to the June 2017 Steering Committee meeting, the co-chairs of the Criteria and Standards subcommittee (C&S) presented a package of proposed changes to OGP's Rules of the Game. These proposals were developed with the goal of addressing a broader set of concerns expressed by civil society and governments, including which countries get to participate in the Partnership; countries that undermine OGP principles; countries that do not adhere to the OGP process; countries who get away with not delivering ambitious commitments; and addressing lack of flexibility and burden associated participation in OGP.

As indicated in the June 2017 Steering Committee meeting minutes, the Steering Committee approved a series of proposed [changes to OGP's Rules of the Game](#) tabled by the C&S, including:

1. **Eligibility Criteria.** The SC endorsed the proposal of expanding the criteria and mandated C&S to work on a proposal.
2. **National Action Plan.** The calendar was adjusted to give more flexibility to countries.
3. **Procedural Review.** Changes to the Procedural Review which outlines the actions which will be considered acting contrary to OGP process;
4. **Response Policy review.** The proposed direction of travel for updating the Response Policy.

Over the last two months, C&S worked on a series of proposals to facilitate the implementation of the the changes approved in June. You may find these items in the following pages.

*The following items are tabled for decision by the Steering Committee:*

1. **Eligibility Criteria**
  - 1.1. **Values Check:** An additional assessment of civic space value in addition to the current eligibility criteria in order to become a participating countries.
  - 1.2. **Steering Committee Eligibility:** Revised standards for governments that are interested in participating in SC with the aim to improve the implementation of participation and co-creation standards.
2. **National Action Plan. Commitment Cap:** Proposed cap on number of commitments per National Action Plan.
3. **Response Policy review:** Final proposed text of the Response Policy, procedures and other annexes.

*The following items are provided for information only:*

1. **Eligibility Protocols:** Protocol to follow when a country falls below eligibility and fails to raise above the eligibility threshold within a set period of time.
2. **Procedural Review Protocols:** Protocol to be followed once a country is placed under Procedural Review, in order to conclude the review.

Please note that these proposals have been developed in close coordination with the Criteria and Standards subcommittee, and have been approved by the Subcommittee for input and approval from the full Steering Committee during the September 20 meeting. Individual proposals for each element are included in the following pages of this background packet. *Given the limited time available for discussion in the September working-level meeting, **please send any feedback and suggestions in writing to the C&S by Friday September 15 at ([alonso.cerdan@opengovpartnership.org](mailto:alonso.cerdan@opengovpartnership.org))**. The Criteria and Standards subcommittee will discuss the comments received in their September 19 meeting and make any amendments needed before September 20 discussion. Alonso Cerdan will be available next week to discuss the proposed changes and answer any questions you might have.*

## Rules of the Game Review: Instituting a Values Check to the OGP Entry Process

### Proposed resolution by the Criteria and Standards Subcommittee on instituting a values check component to the OGP entry process:

At the [June 2017 Steering Committee meeting](#), the Steering Committee endorsed the proposal of expanding the list of OGP Eligibility Criteria, particularly on civic space, to address concerns related to permitting countries to join OGP that, in practice, do not adhere to the democratic governance norms and values set forth in the [Open Government Declaration](#). It is the recommendation of the Criteria and Standards subcommittee to include a “Values Check” assessment in addition to the current four Eligibility Criteria before new countries are admitted to OGP in the future. This Values Check would be measured by country scores on two Varieties of Democracy (V-Dem) indicators, namely “12.2: CSO entry and exit - To what extent does the government achieve control over entry and exit by civil society organizations (CSOs) into public life?” and “12.3: CSO repression - Does the government attempt to repress civil society organizations (CSOs)?”. Countries who wish to join the Partnership in the future will need to be eligible according to the [current four OGP eligibility criteria](#) as well as pass the Values Check assessment by earning an ordinal score of “3” or higher on at least one of the two proposed V-Dem indicators. This additional Values Check would be applicable only to those countries who wish to join the OGP in the future and will not be applied retroactively to currently participating OGP countries. If approved, this resolution and the proposed Values Check process will be implemented immediately.

-----END RESOLUTION-----

### About V-Dem

Varieties of Democracy (V-Dem) is one of the largest social science databases covering data across more than 350 indicators from over 177 countries, from 1900 to the present. V-Dem employs a worldwide team of country experts who produce unbiased and reliable data that is currently used by various international and multilateral organizations. For example, the World Bank has featured V-Dem data prominently in the World Development Report 2017 will use V-Dem data from the release of World Governance Indicators in 2018 as data source. Similarly, the sourcebook of [UNDP's Virtual Network on SDG](#) indicators features 60 V-Dem indicators, and Transparency International uses V-Dem corruption indicators in its Corruption Perception Index. Other well respected organizations that use V-Dem include International IDEA, the Mo Ibrahim Foundation, the Community of Democracies, the European External Action Service, and the Swedish Ministry of Foreign Affairs, to name a few. To learn more about [V-Dem's website](#) and a Policy Brief that can be found [here](#).

### Rationale

To support this recommendation, the following information explains the score measurement for each Values Check indicator. V-Dem relies on a scoring methodology that is similar to those employed by some of OGP's existing eligibility criteria data producers (e.g. the International



Budget Partnership); namely, the use of in-country independent experts (in this case, in-country scholars) to assign ratings based on a robust codebook (examples below). V-Dem employs five independent scholars in each country to blindly assign ratings for each V-Dem indicator based on the master V-Dem codebook; V-Dem then screens for outlier scores to arrive at a final consensus rating for the country for a particular indicator. For more information, please review [V-Dem's in-depth Methodology](#) and [Codebook](#). V-Dem data are produced on an annual basis covering nearly every country in the world and are highly regarded within the academic and public policy communities. Several universities on multiple continents coordinate the production of the V-Dem data annually.

The subcommittee proposes that OGP employ the following two V-Dem indicators as its Values Check criteria moving forward; again, only countries that fail *both* of the indicators below would be ineligible to join the partnership.

**12.2: CSO entry and exit** - To what extent does the government achieve control over entry and exit by civil society organizations (CSOs) into public life?

|  |
|--|
| <p><b>4: Unconstrained.</b> Whether or not the government licenses CSOs, the government does not impede their formation and operation unless they are engaged in activities to violently overthrow the government.</p>   |
| <p><b>3: Minimal control.</b> Whether or not the government licenses CSOs, there exist constitutional provisions that allow the government to ban organizations or movements that have a history of anti-democratic action in the past (e.g. the banning of neo-fascist or communist organizations in the Federal Republic of Germany). Such banning takes place under strict rule of law and conditions of judicial independence.</p> |
| <p><b>Must Score above this line to pass this indicator/Values Check</b></p>   |
| <p><b>2: Moderate control.</b> Whether the government ban on independent CSOs is partial or full, some prohibited organizations manage to play an active political role. Despite its ban on organizations of this sort, the government does not or cannot repress them, due to either its weakness or political expedience.</p>  |
| <p><b>1: Substantial control.</b> The government licenses all CSOs and uses political criteria to bar organizations that are likely to oppose the government. There are at least some citizen-based organizations that play a limited role in politics independent of the government. The government actively represses those who attempt to flout its political criteria and bars them from any political activity.</p>               |



**0: Monopolistic control.** The government exercises an explicit monopoly over CSOs. The only organizations allowed to engage in political activity such as endorsing parties or politicians, sponsoring public issues forums, organizing rallies or demonstrations, engaging in strikes, or publicly commenting on public officials and policies are government-sponsored organizations. The government actively represses those who attempt to defy its monopoly on political activity.

**2. Indicator 12.3: CSO repression - Does the government attempt to repress civil society organizations (CSOs)?**

**4: No.** Civil society organizations are free to organize, associate, strike, express themselves, and to criticize.

**3: Weakly.** The government uses material sanctions (fines, firings, denial of social services) to deter oppositional CSOs from acting or expressing themselves. They may also use burdensome registration or incorporation procedures to slow the formation of new civil society organizations and sidetrack them from engagement. The government may also organize Government Organized Movements or NGOs (GONGOs) to crowd out independent organizations. One example would be Singapore in the post-Yew phase or Putin's Russia.

**Must Score above this line to pass this indicator/Values Check**

**2: Moderately.** In addition to material sanctions outlined in response 3 below, the government also engages in minor legal harassment (detentions, short-term incarceration) to dissuade CSOs from acting or expressing themselves. The government may also restrict the scope of their actions through measures that restrict association of civil society organizations with each other or political parties, bar civil society organizations from taking certain actions, or block international contacts. Examples include post-Martial Law Poland, Brazil in the early 1980s, the late Franco period in Spain

**1: Substantially.** In addition to the kinds of harassment outlined in responses 2 and 3 below, the government also arrests, tries, and imprisons leaders of and participants in oppositional CSOs who have acted lawfully. Other sanctions include disruption of public gatherings and violent sanctions of activists (beatings, threats to families, destruction of valuable property). Examples include Mugabe's Zimbabwe, Poland under Martial Law, Serbia under Milosevic.

**0: Severely.** The government violently and actively pursues all real and even some imagined members of CSOs. They seek not only to deter the activity of such groups but to effectively liquidate them. Examples include Stalinist Russia, Nazi Germany, and Maoist China.

**Current OGP eligible (last accessed on January 2017), but not yet joined countries, that would...**



| Pass the proposed Values Check based on the proposed approach:   | Be below the threshold on both Values Check indicators, and therefore no longer eligible to join OGP:   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Austria</li> <li>2. Belgium</li> <li>3. Bhutan</li> <li>4. Guyana</li> <li>5. Iceland</li> <li>6. India</li> <li>7. Japan</li> <li>8. Kyrgyzstan</li> <li>9. Mozambique</li> <li>10. Nepal</li> <li>11. Nicaragua</li> <li>12. Poland</li> <li>13. Portugal</li> <li>14. Senegal</li> <li>15. Slovenia</li> <li>16. Switzerland</li> <li>17. Zambia</li> </ol> | <ol style="list-style-type: none"> <li>1. Angola</li> <li>2. Ethiopia</li> <li>3. Kazakhstan</li> <li>4. Russia</li> <li>5. Rwanda</li> <li>6. Thailand</li> <li>7. Uganda</li> </ol> |



## Rules of the Game Review: Reconsidering Steering Committee Eligibility for Governments

### Current Rules

According to the OGP Articles of Governance (AoG), the SC is to hold an open nominations process for both government and civil society representatives that are interested in sitting on the OGP SC, with transparent and detailed criteria identifying how the SC will vet all nominations.

*To be eligible to run for election countries must have the following:*

- 1. Improved or maintained their eligibility score since submitting a letter of intent to join OGP;*
- 2. Published all OGP required documents (action plans, self-assessment reports, etc.) within four months of the agreed deadlines; and*
- 3. Acted in accordance with the Open Government Declaration.*

*In addition to the above requirements, current SC members running for reelection must have the following:*

- 4. Provided financial support to OGP (except in cases of extreme financial hardship); and*
- 5. Regularly attended and participated actively in SC meetings and subcommittee meetings.*

These requirements may be waived by the Governance and Leadership Subcommittee on a case-by-case basis. Exceptions have been granted twice due to failure to comply with requirement number 2.

### Proposed Changes to the Rules

The Criteria and Standards subcommittee proposes that a revised set of standards be introduced for governments that are interested in participating in SC elections (in blue font below).

*To be eligible to run for election countries must have the following:*

- 1. Improved or maintained their eligibility score since submitting a letter of intent to join OGP;*
- 2. Published all OGP required documents (action plans, self-assessment reports, etc.) within four months of the agreed deadlines; and*
- 3. Acted in accordance with the Open Government Declaration*
- 4. Acted in accordance with OGP process for the most recent completed NAP cycle.***
- 5. Implemented the following Participation and Co-creation standards:***
  - a. There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.***
  - b. A multi-stakeholder forum is formed to oversee the OGP process. It meets on a regular basis (i.e. at least every quarter) in person or remotely, as appropriate and that has a mechanism for the public to ask questions or comment on OGP process.***



- c. ***The government publishes via the national OGP website/webpage regular updates (i.e. at least every six months) on the progress of commitments, including progress against milestones, reasons for any delays, next steps. This is in addition to publishing self-assessment report.***

*In addition to the above requirements, current SC members running for reelection must have the following:*

6. *Provided financial support to OGP (except in cases of extreme financial hardship); and*
7. ***Regularly attended and participated actively in SC meetings and subcommittee meetings, with ministerial level participation in the required meetings.***



## Rules of the Game Review: Implementing an Action Plan Commitment Cap

### Current Rules

The current Articles of Governance do not include a prescribed length for National Action Plans (NAP), however the 2017 Point of Contact Manual (pg. 27) gives the following guidance:

- *Experience has shown that action plans listing 5-15 high quality commitments spread over multiple themes are preferable to those with a large number of weaker commitments.*
- *Action plans should be clear, succinct, and action oriented and should be written in plain language with minimal use of jargon or technical terms.*
- *Governments are encouraged to work with multiple ministries and departments across the government to develop and implement their OGP commitments.*

### Current Practice

The average number of commitments in OGP NAPs is currently 13. The IRM has identified that for current action plans, 80% of action plans are under 20 commitments. However, the top five largest NAPs account for 20% of all commitments. These outliers include over 50 commitments in their plans, typically consisting of large numbers of commitments lacking ambition and the potential for transformative impact.

### Proposed Shift

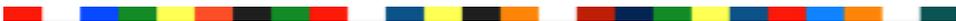
OGP's strategic refresh identified increasing the ambition and quality of commitments, as well as ensuring credible implementation, as central objectives for the partnership over the next five years. This proposal for a commitment cap is designed to meet that objective, by focusing efforts on co-creating credible, high-impact commitments that showcase OGP's potential as a platform for transformative change, and enabling focused attention to ensure credible implementation. For instance, early IRM findings show that subnational action plans, capped at 5 commitments, have more than twice as many potentially transformative commitments on average in comparison to the longer NAPs. Although there may be other factors that contributed to this finding, subnational participants have consistently reported that the cap encouraged a focus on including the most transformative reforms in their OGP plans.

Specifically, a commitment cap of 20 would also help the process of co-creation move from what is typically a group brainstorming to a process of emphasising strategic prioritization and compromise. It would provide clear guidance to governments who are seeking to balance the demands from line ministries, civil society groups and parliamentarians, with the need to have a realistic program for action and implementation over a two-year period. As many governments approach their third or fourth OGP action plan the need to focus and demonstrate results will be crucial to the long-term success of the Partnership.



**Proposed resolution by the Criteria and Standards Subcommittee to implement a commitment cap on NAPs**

*Considering the needs for including diverse issues and stakeholders and raising the ambition of commitments in OGP, the Criteria and Standards Subcommittee proposes that, beginning in 2018, the number of commitments per action plan be capped at 20 with a suggested maximum of 5 milestones per commitment. The Support Unit will continue to encourage action plans of between 5 and 15 commitments according to current guidance, and provide support to encourage specificity, relevance, ambition, and credible implementation. The Steering Committee will review the effects of the commitment cap in late 2018.*



## **Rules of the Game Review: Policy on Upholding the Values and Principles of OGP, as articulated in the Open Government Declaration (*Response Policy*)**

*Defined terms used herein have the meanings set out in Section VII below.*

### **I. Rationale**

1. The purpose of the Response Policy is to maintain OGP's credibility - and safeguard its long-term future - by helping to ensure that all Participating Countries uphold OGP values and principles, as expressed in OGP's foundational documents, the Open Government Declaration and the Articles of Governance.
2. The Policy applies in exceptional circumstances only, when a Participating Country appears to be taking actions that undermine the values and principles of OGP in a way that demonstrates an egregious and blatant disregard for those values and principles.
3. The Policy enables OGP to react to conduct by Participating Countries that contradicts the Declaration.
4. The aim of interventions OGP takes pursuant to the Policy will be to:
  - (1) Assist the Subject to overcome difficulties and to help re-establish an environment more conducive to government and civil society collaboration; and
  - (2) Safeguard the Declaration and mitigate reputational risks to OGP.

### **II. Triggering an Inquiry**

1. An inquiry may be triggered by one of the following persons or entities filing a Concern:
  - (1) An SC member - government or civil society.
  - (2) A Multilateral Partner or Working Group co-anchor.
  - (3) Any entity (other than an individual acting on his or her own behalf) which is, or has been, involved in OGP at the national or international level *and* in the country that is the subject of the concern (the Subject).
2. All Concerns should be addressed to the Steering Committee and submitted to the Support Unit for initial review.



3. All Concerns should include the information specified in Annex 1 to the Response Policy Procedures and Protocols (*Letter of Concern Requirements*).

### III. Establishing the Relevance of a Concern

#### A. Initial Review of the Eligibility of a Concern

1. Following its receipt of a Concern, the SU will send an acknowledgement to the filer(s), of the Concern and inform C&S and the Subject, in writing, that the Concern has been received.

2. The SU will conduct an initial review of all Concerns to determine whether they meet the eligibility criteria for a Response Policy inquiry. Specifically, the SU will determine:

##### *(a) Sufficiency of Information Provided in Concern*

Only Concerns that provide the information specified in Annex 1 to the Response Policy Procedures and Protocols (*Letter of Concern Requirements*) can trigger a Response Policy inquiry.

##### *(b) Filer Eligibility*

Only Concerns submitted by a person or entity listed in Section II (I) of the Response Policy as eligible to submit a Concern can trigger a Response Policy inquiry.

##### *(c) Subject Eligibility*

Only Concerns submitted in respect of countries that have not been designated by OGP as Inactive under a Procedural Review either at the time the Concern is submitted; or at any point during the Response Policy review process, can trigger a Response Policy inquiry and/or sustain a Response Policy review.

##### *(d) Inadequacy of Alternative Accountability Mechanisms*

Only Concerns that cannot or will not be addressed by the IRM or the Procedural Review mechanism may trigger a Response Policy inquiry.

3. The SU will dismiss Concerns that are, or become, ineligible under Section III.A.2 above; inform the filer(s) of the Concern and the Subject of the reasons for the dismissal; and inform C&S about the Concern's receipt and disposition.

#### B. Review of the Merits of a Concern

1. If the SU finds that the Concern is eligible to trigger a Response Policy inquiry, it will notify C&S, the filer(s) of the Concern, and the Subject that OGP is proceeding with a review



of the Concern, and ask the government of the Subject for a formal response to the issue(s) raised in the Concern.

2. Following the notifications referred to in Subsection B (1) above, the SU will begin a review of the merits of the Concern in collaboration with, and under the oversight of, the C&S Co-Chairs, and the C&S Co-Chairs will inform the Governance and Leadership Subcommittee that the review is under way.

3. The review of the merits of a Concern will include the following steps:

(a) Establishing the veracity of the information provided in the Concern by cross-referencing Concerns with government, civil society, IRM researchers and third parties, including, but not limited to, UN bodies likely to have relevant information and informed views on the issue(s) under review.

(b) Establishing the degree to which the behavior that forms the basis of the Concern undermines the Subject's commitment to the principles of the Open Government Declaration and OGP's Articles, i.e., thereby calling into question the authenticity of the Subject's OGP participation.

(c) Checking previous OGP data points on the Subject, including, but not limited to, cross-referencing with the findings of the most recent IRM report on the Subject, including the national context section of that report.

(d) Assessing whether an OGP intervention could have the desired impact in the subject country (Subject) and whether such an intervention is necessary to protect the credibility of OGP.

(e) Consideration of whether a visit by the SU to the Subject to discuss the issues raised in the Concern with pertinent parties is appropriate.

4. The C&S Co-Chairs, with input from the SU, will secure external assistance with the review of Concerns, as needed, in accordance with procedures set out in Annex 2 to the Response Policy Procedures and Protocols (*Engaging External Assistance for Response Policy Cases*) for that purpose.

5. After the review referred to in Section 3 (a) - (e) above has been completed, and OGP has received a formal response from the Subject regarding the Concern or, failing receipt of a response from the Subject, allowed a reasonable time (as set by the Response Policy Procedures and Protocols) for such a response to be provided, the C&S Co-Chairs will prepare a review report on the Concern for C&S's consideration and adoption.

6. The review report will include the Subject's response, or notification that no response has been received, as the case may be, and a list of all sources of information used in the



review process. The report will also include a set of findings resulting from the review, and a recommendation for how C&S should address the Concern.

7. The final decision on how to handle all Concerns that are eligible for Response Policy review will be C&S's responsibility.

8. If C&S does not agree with the conclusions of the review report with respect to a Concern, C&S may return the report to the C&S Co-Chairs for revision or further investigation, as C&S may decide. If C&S cannot reach consensus on the adoption of a review report, C&S will take a vote on whether to adopt the report. A two-thirds majority will be required in order for a report to be adopted. If a review report is not adopted, the Concern will be deemed closed.

9. If the review report concludes that the issue(s) raised in the Concern are being satisfactorily addressed domestically, and C&S agrees with the report's conclusion, C&S will adopt the review report. The SU will inform the filer(s) of the Concern, and the Subject, of C&S's conclusion, and provide them with a copy of the review report. OGP will take no further action regarding the Concern.

10. If the review report concludes that the issue(s) raised in the Concern have merit and are not being satisfactorily addressed domestically, the C&S Co-Chairs will include recommendations for Stage One Interventions (as defined in Section V.A below) in the report. If C&S agrees with the report's conclusion, C&S will adopt the review report and inform the SC of the report's conclusion immediately upon adoption of the review report. The SU will inform the filer(s) of the Concern, and the Subject of C&S's conclusion and provide them with a copy of the review report.

11. If the Subject responds to the review report and informs OGP that it disagrees with the finding(s) and or conclusion(s) of the report, C&S may take the Subject's response into account in the final framing and implementation of Stage One Interventions.

12. If the Subject fails to respond to the review report and such failure continues during the Stage One Intervention period, the C&S Co-Chairs will inform C&S to that effect and C&S will recommend to the SC that one or more Stage Two Interventions be taken, specifying what form C&S believes such intervention should take.

#### **IV. Types of Issues that May Form a Relevant Concern**

1. The kinds of issues that have the potential to be sufficiently damaging to OGP values and principles to trigger a Response Policy review include, but are not limited to, the introduction of new or revised policies, practices or actions that significantly reduce any of the following:

(a) Access to information for citizens and civil society;



(b) The space for non-governmental organizations to work independently, voice critiques, and/or receive funding from domestic or international sources (e.g., new NGO laws);

(c) Enjoyment of fundamental freedoms, notably freedom of expression and peaceful assembly, and association; and/or

(d) Online or offline media freedom, or media ownership and independence.

## V. The Process of Acting on a Concern

### A. Stage One Interventions

1. After C&S informs the SC that C&S has concluded in its review report that a Stage One Intervention is warranted, Stage One Interventions will proceed.

2. Members of C&S, the Co-Chairs, the SU, and other interested SC members, may carry out one or more of the following without the approval of the full SC:

(1) Engage in or broker diplomatic outreach to the government of the Subject at the official and/or political level. Such efforts may include outreach and engagement by the C&S Co-Chairs. The SU will coordinate such outreach.

(2) Offer to broker technical assistance to help the Subject to address the issues raised in the Concern;

(3) Contact Multilateral Partners active in the Subject to help address the issues raised in the Concern;

(4) Invite the Subject to work with the SU and C&S to establish a work plan with regular check-ins and a timeline for the Subject to address the situation, where applicable.

3. After a Stage One Intervention is initiated, the Subject will be given a reasonable period of time to address the issues raised in the Concern and verified by the review report. The time period that qualifies as *reasonable* in this context will vary depending upon the agreed upon work plan and timeline (if applicable) for addressing the particular situation, but will generally range from a minimum of approximately six (6) months to a maximum of approximately two (2) years.

4. Throughout the period of a Stage One intervention, the C&S Co-Chairs and the SU will endeavor to remain in communication with the Subject regarding the Subject's progress and will attempt to solicit feedback from the Subject.

### B. Stage Two Interventions



1. At the end of the time period provided for in the Stage One Intervention, the C&S Co-Chairs will prepare a report for C&S's consideration, assessing whether the Subject has sufficiently addressed the issues raised, such report to be referred to as an *Assessment of Stage One Interventions*. If the C&S Co-Chairs believe that the issues raised in the Concern have been adequately addressed by the Subject, the assessment will include a recommendation that the case be closed. If the C&S Co-Chairs believe that the issues raised in the Concern have not been adequately addressed by the Subject, the assessment will include recommended actions for a Stage Two Intervention.

2. The final decision on whether the issues raised in a Concern have been adequately addressed during the Stage One Interventions will be C&S's responsibility. In discharging that responsibility, C&S may ask the C&S Co-Chairs for further information concerning the conclusions reached in the Assessment of Stage One report, and to supplement and/or amend such assessment as C&S sees fit.

3. If C&S does not agree with the conclusions of the C&S Co-Chairs' Assessment of Stage One with respect to a Concern, C&S may return the assessment to the C&S Co-Chairs for revision or further investigation, as C&S may decide. If C&S cannot reach consensus on the adoption of an Assessment of Stage One report, C&S will take a vote on whether to adopt the report. A two-thirds majority will be required in order for an Assessment of Stage One report to be adopted. If a report is not adopted, the report will be returned to the C&S Co-Chairs to be revised to reflect conclusions for which a two thirds majority approval can be reached.

4. If C&S concludes that the issues in a Concern have been adequately addressed during the Stage One Intervention, the case will be closed and C&S will inform the SC to that effect, and instruct the SU to inform the Subject and the filer(s) accordingly. If C&S concludes that the Subject has not adequately addressed the issues raised in a Concern, C&S will so inform the Governance and Leadership Subcommittee and the SC, and recommend to the SC that one or more Stage Two Interventions be taken. C&S will specify what form it believes such intervention should take.

5. A Stage Two Intervention may consist of one or more of the following actions:

(1) The SC Co-Chairs, on behalf of the SC, invites the government principal of the Subject to attend a special session of the SC to discuss the situation and its possible consequences for the Subject's participation in OGP.

(2) The SC Co-Chairs, on behalf of the SC, write a letter to the government principal of the Subject informing him/her that the Subject will be listed as suspended from OGP until the Concern is resolved. The letter will explain;

(a) what actions and what level of engagement OGP expects of the Subject in order to resolve the issues raised in the Concern to the point where the Subject is no longer



suspended and returns *either* to Stage One Intervention status, or to regular Participating Country status, detailing which actions will lead to which status, and the timeframe within such actions and/or engagement must occur;

(b) that failing a response by the Subject that warrants a change of status under (a) above, the suspension of the Subject from OGP will become permanent and the Subject will be deemed to have ceased being a Participating Country.

6. While the C&S Co-Chairs are formulating recommendations regarding the most appropriate form of Stage Two Interventions to take, and throughout the period of Stage Two Interventions, the C&S Co-Chairs and the SU will endeavor to remain in communication with the Subject and will attempt to solicit feedback from the Subject.

7. When a Participating Country is suspended from OGP pursuant to the Response Policy, such country;

(a) will not be entitled to recover dues paid to OGP covering the period of suspension. (Dues owed, but not paid, during the period of suspension, will be due and payable following termination of the suspension);

(b) will not be eligible to vote in SC elections;

(c) will only be allowed to attend OGP events as an observer for learning purposes; and

(d) will be designated as suspended on the OGP website and in all OGP public information materials concerning such country.

## **VI. Disclosure Policy**

1. To the greatest extent possible, and consistent with the need to make adjustments to protect all parties involved, as determined by C&S, upon the recommendation of the SU, the Response Policy process will be carried out in accordance with OGP's Disclosure Policy.

## **VII. Definitions**

A. "*Articles of Governance*" or "*Articles*" are the terms and conditions that govern the Open Government Partnership approved and agreed by Participating Countries in June 2012, as most recently amended [September 2017].

B. *Assessment of Stage One Interventions* report is a report the SU prepares for C&S assessing the outcome of Stage One Interventions, as provided for in Section V (B) of the Response Policy.

C. "*Concern*" or "*Letter of Concern*" is a written submission (which may be in electronic form) that sets out how the actions of a Participating Country are undermining the values and principles of OGP. Annex 1 to the Response Policy



Procedures and Protocols details the information required to be included in a Concern.

- D. “C&S” or “*Criteria and Standards Subcommittee*” is one of the Steering Committee’s three standing subcommittees established pursuant to Article IV of the Articles of Governance.
- E. “C&S *Co-Chairs*” are a revolving two-member co-chairmanship team of C&S.
- F. “*Declaration*” or “*Open Government Declaration*” is the declaration of commitment to upholding the principles of open and transparent government, approved by the founding countries of OGP in 2011, and set out in Addendum D to the Articles of Governance, that Participating Countries are required to endorse pursuant to Article II of the Articles of Governance in order to participate in OGP.
- G. “*Disclosure Policy*” is OGP’s policy concerning the dissemination of information by OGP, approved by the SC, and set out in Addendum E to the Articles of Governance.
- H. *Governance and Leadership Subcommittee* is one of the SC standing subcommittees established pursuant to Article IV of the Articles of Governance.
- I. “*Inactive*” is a membership status that may result from a Procedural Review.
- J. “*Independent Reporting Mechanism*” or “*IRM*” is the independent accountability mechanism which is established and operates pursuant to the provisions of Addendum G to the Articles of Governance.
- K. “*Multilateral Partner*” is a multilateral organization that has pledged support to OGP member countries to promote open government and increase accountability.
- L. “*National Action Plan*” or “*NAP*” is a schedule of commitments that each Participating Country draws up and commits to carry out in accordance with the provisions of Addendum B to the Articles of Governance.
- M. “*Open Government Partnership*” or “*OGP*” is the voluntary, multi-stakeholder international initiative established pursuant to the Open Government Declaration that aims to secure concrete commitments from Participating Countries to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.
- N. “*Participating Country*” is a country that has indicated its intention to join OGP by submitting a letter of intent, committing to abide by OGP principles and processes by endorsing the Open Government Declaration, and initiating the process of developing a National Action Plan or NAP, all as provided for in Addendum A to the Articles of Governance.
- O. “*Point of Contact*” is the person identified by a Participating Country as the person with official responsibility for maintaining contact with OGP concerning the country’s obligations to OGP.
- P. “*Procedural Review*” mechanism is the review process provided for in Article II of the Articles of Governance.
- Q. “*Response Policy*” or “*Policy*” is the informal name of the Policy on Upholding the Values and Principles of OGP Policy, as articulated in the Open Government



Declaration, approved and agreed by the Steering Committee, and set out in Addendum F to OGP's Articles of Governance.

- R. "*Response Policy Procedures and Protocols*" are policies and procedures developed by the Support Unit, and amended from time to time, to supplement the Response Policy, as approved by the Criteria and Standards Subcommittee.
- S. "*Stage One Interventions*" are actions OGP may undertake when investigation of a Concern reveals that the Subject is engaging in conduct that contradicts the Participating Country's undertakings in signing the Declaration and undermines OGP's principles and values, as provided for in Section V (A) of the Response Policy
- T. "*Stage Two Interventions*" are actions OGP may undertake once it is determined that Stage One Interventions have failed to adequately address the issue(s) raised in a Concern, as provided for in Section V (B) of the Response Policy.
- U. "*SC*" or "*Steering Committee*" is OGP's executive, decision-making body established pursuant to Article IV of the Articles of Governance, and comprised of an equal number of government and civil society representatives.
- V. "*SC Co-Chairs*" are part of a revolving four-member co-chairmanship team which is elected by the entire SC and consists of a government chair, a support (or incoming) government chair, and two civil society chairs, as provided for in Article IV of the Articles of Governance.
- W. "*Subject*" means the Participating Country that is the target of a Concern.
- X. "*Support Unit*" or "*SU*" is the unit of OGP that provides a secretariat function for OGP, and also plays a significant role in implementing the Response Policy, as provided for, respectively, in Article V and Addendum F to the Articles of Governance.
- Y. "*Working Group*" means one of the thematic working groups that OGP has established, with the help of its partners, to contribute peer exchange and learning across OGP.



## **Response Policy Procedures and Protocols**

*This document supplements the provisions of the Response Policy. Capitalized terms used herein refer to terms used and defined in the Response Policy.*

1. In accordance with OGP's founding principles, Concerns filed under the Response Policy will be processed in a manner that is transparent, fair, and credible to the subject of the Concern, the filer, the Steering Committee (SC) and the public.
2. A registry of incoming Concerns (date, subject, filer, status, reason for progression/decline and links to any public supporting documents) will be maintained on the OGP website.
3. All Concerns must provide the information listed in Annex 1 (*Letter of Concern Requirements*) hereto.
4. Within five (5) working days of the Support Unit's (SU) receipt of a Concern, the SU will send an acknowledgement to the filer(s) and inform C&S and the subject of the Concern (the Subject) in writing, that the Concern has been received. During this time period, the Concern will be posted on the OGP website and on the OGP website country page and will be published in the OGP Gazette.
5. The SU will inform the filer(s), the subject of the Concern (the Subject) and C&S of the results of its initial review within thirty (30) working days of the SU's receipt of the Concern.
6. When a Concern passes initial review and requires a review of the merits of the Concern, the C&S Co-Chairs at their discretion and with input from the SU will secure external assistance to assist the SU with such review. In securing any such external assistance, the C&S Co-Chairs will follow the process set out in Annex 2 (*Engaging External Assistance for Response Policy Cases*) hereto.
7. When a review of a Concern is being undertaken, the SU will update the registry of incoming Concerns on the OGP website with the details of the Concern.
8. C&S's process of deliberation over review reports pursuant to Section III.B of the Response Policy should ordinarily take no longer than thirty (30) working days, although, in exceptional circumstances, this period may be extended for an additional period of thirty (30) working days.
9. For each Participating Country that is the subject of a Stage One or Stage Two Intervention, the SU will prepare a schedule of check-ins and updates at the time that the intervention is decided upon by, respectively C&S or the SC, as applicable, so as to allow for regular communication between OGP, the Subject and the filer(s) of a Concern.

*Approved and Agreed by the Criteria and Standards Committee, September [], 2017.*



## Annex I: Letter of Concern Requirements

*Upon request by the filer of a Concern, OGP will keep the name and identity of the filer confidential. If you wish your name and identifying information to be kept confidential, please so indicate in the Letter of Concern.*

1. Letters of Concern should be addressed to the Open Government Partnership Steering Committee or the Steering Committee Co-Chairs and mailed, emailed or faxed to:

By Mail: Open Government Partnership  
Support Unit  
1110 Vermont Ave. N.W., Suite 500  
Washington, DC 20005  
United States

By Email: [info@opengovpartnership.org](mailto:info@opengovpartnership.org)

2. All Letters of Concern must include:
  - (1) A description of the organization filing the Concern;
  - (2) Information regarding the filer's activities or involvement in OGP at the national or international level;
  - (3) Information regarding the filer's activities or involvement in the country which is the subject of the Concern (the Subject);
  - (4) The name and contact information of a person who OGP may contact to discuss the Concern, and a description of how the contact person is affiliated with the filer of the Concern;
  - (5) A description, or explanation, of the practices, or conduct, giving rise to the Concern. *(Please provide as much detail as possible, including the date or time period of the conduct, the location of the conduct, and the persons or entities involved).*
  - (6) An explanation of how the alleged conduct or actions are currently undermining or may soon undermine the values and principles of OGP as reflected in the Open Government Declaration.
  - (7) An explanation of how the alleged harm to OGP values and principles is linked to the activities or conduct described in the Concern;
  - (8) The source(s) of all information submitted in support of the Concern;
  - (9) If available, any relevant documents, audio or video recordings, that substantiate the facts and issues raised in the concern;
  - (10) If the Concern has previously been raised with OGP;
    - (a) a description of the outcome of the previous Concern; and
    - (b) the details of any new evidence and/or circumstances that warrant raising the Concern again.



- (11) If the Concern raises matters similar to matters raised in a Concern, previously submitted by the Filer or someone else, the Filer should detail what has changed and describe all new circumstances, and present all new evidence related to the Concern which warrant undertaking a new Response Policy review.

## **Annex 2: Engaging External Assistance**

1. From time to time, the C&S Co-Chairs may wish to engage external support to assist with the investigation and review of Response Policy cases. To facilitate the engagement of external support, the Support Unit will assemble, for C&S approval, an external panel of well-respected experts who are pre-qualified to be called upon as needed to assist with Response Policy cases.
2. **Selection Process for Roster of Experts**
  - *Nominations:* The SU will nominate a roster of experts (who may include individuals and/or entities or organizations or institutions with specialized expertise) for the approval of C&S.
3. **General External Support Qualifications and Selection Criteria**
  - Significant experience in the country that is the subject of the Concern, and/or in the relevant geographic region is highly desirable for experts engaged to assist with the investigatory aspects of the evaluation of a Concern.
  - Significant experience in areas related to open government principles, including expertise in transparency, accountability and civic engagement in the region where the Subject is based, is highly desirable for experts engaged to assist with the investigatory aspects of the evaluation of a Concern.
  - Experts on the roster should have experience participating in or managing multi-national research projects.
  - Experts on the roster should have the ability to maintain the confidentiality of information and demonstrated integrity and ability to remain independent in the exercise of their duties.
  - Experts on the roster must be available to serve for a period of at least three years. At the end of the period following their selection, they may re-apply for inclusion on the roster.
4. **Conflict of Interest Policy<sup>1</sup>**
  - No individual who has worked in an official capacity, or spoken on behalf of a government of a Participating Country which is the subject of a Concern, within the twelve months immediately prior to OGP's receipt of a Concern, may be engaged by OGP to assist with the evaluation of a Concern.
  - No individual who has worked in an official capacity, or spoken, on behalf of a civil society organization involved in the country that is the subject of a Concern within the twelve months immediately prior to OGP's receipt of a Concern, may be engaged by OGP to assist with the evaluation of a Concern.

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<sup>1</sup> These provisions are modelled on an IEP Call for Applications.

## **Rules of the Game Review: Protocols for OGP Countries that Fall Below Eligibility** *Not for Decision*

### **Background**

When the Open Government Partnership (OGP) was established in 2011, there was agreement among the stakeholders that participation in OGP should be limited to those countries which have already demonstrated a commitment to the principles of open government. Together with experts across open government, they established a set of eligibility criteria and reviewed the progress of each country against four of the most fundamental areas of open government - fiscal transparency, access to information, public officials asset disclosures and citizen engagement. To be eligible to join OGP, countries have always needed to score 75% on these criteria. The number of eligible countries has been steadily rising as more and more countries introduce reforms like ATI legislation and asset disclosure laws. In 2016, the number of countries eligible to join OGP reached 100 for the first time.

The OGP Articles of Governance laid out the eligibility criteria in 2011, but when the criteria were established no rule for what would happen if a country that was participating in OGP were to fall below eligibility after joining. There was one provision included which read:

*“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”.*

However, if the government does not take immediate and explicit steps to address the issues that caused it to fall below eligibility threshold within a year, there is still not a clear explanation of what action the Steering Committee should take.

### **Recent Developments**

In the 2016 eligibility review, two countries that had already joined OGP, Tunisia and Papua New Guinea, both fell below the eligibility threshold. The Support Unit sent them letters explaining that they needed to take action within a year, it was raised in meetings with Ministers on multiple occasions with both countries, and was in both cases multilateral partners sought to provide assistance. In the 2017 review, Papua New Guinea went back above the eligibility threshold (after IBP found they had published their audit report), but Tunisia did not. Once again, the Support Unit sent a letter to the Minister advising them of the need to publish the audit report. Tunisia did make some progress towards this publication, but not enough to meet the standard. Criteria and Standards sent a letter to the Minister in July 2017 after discussion at the June 2017 Steering Committee meeting. In that meeting, the Steering Committee extended the deadline for Tunisia to rise above the eligibility threshold by one year to June 30, 2018. If Tunisia does not meet this deadline, they will be automatically designated as inactive.

### **Moving Forward**

To avoid confusion in the future and make it clear to currently participating countries that they will be held to the same standard as when they joined OGP, the Criteria and Standards



subcommittee proposes to adapt the language in the Articles of Governance to the following (blue text added):

*“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. Governments that do not rise above the threshold in one year will automatically be designated as inactive in OGP”.*

This change will ensure that future governments falling below eligibility will know when the deadline is for them to take action, and help them drive the necessary changes within their government. It is proposed that this change take effect if any countries are found to fall below eligibility starting with the 2018 eligibility review (to be published in January 2018). Those governments would then have one year to enact the necessary change before the Steering Committee designates them as inactive in OGP.



## Rules of the Game Review: Protocols for OGP Countries Placed Under Procedural Review

This document lays out the protocol to be followed once a country is placed under Procedural Review. A Procedural Review takes place when a government has acted contrary to process for two consecutive National Action Plan cycles. The following protocol will be applied to the reason why a country acted contrary to the OGP process for the second of the two NAP cycles.

1. The country does not publish a National Action Plan within 4 months of the due date  
*>> Government must co-create and publish a National Action Plan within the next cycle's deadline in order to conclude the Procedural Review.*
2. The government did not meet the International Association for Public Participation "involve" level of public influence during development or "inform" during implementation of the NAP as assessed by the IRM.  
*>> Government must deliver a workplan to the Criteria and Standards subcommittee for the development of the next National Action Plan that outlines the co-creation process to be followed, including how they will gather inputs and respond to those inputs. The Support Unit will then review the delivered National Action Plan and hold conversations with key stakeholders in the country to identify whether there are adequate feedback loops, and make a recommendation to Criteria and Standards on whether or not to conclude the Procedural Review.*
3. The government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.  
*>> Within 12 months, the government must publish or link to a public repository on the national OGP website/webpage in line with IRM guidance in order to conclude the Procedural Review.*
4. The IRM Report establishes that there was no progress made on implementing any of the commitments in the country's National Action Plan (N.B. this trigger automatically places a country under Procedural Review).  
*>> The next IRM report must establish progress on the implementation of the commitments in the country's National Action Plan in order to conclude the Procedural Review.*

Once under Procedural Review, if a country acts contrary to process again (through any trigger) or fails to conclude the review according to the protocol, the Criteria and Standards Subcommittee will automatically recommend that the Steering Committee designates the country as inactive.



## **OGP Thematic Leadership Subcommittee and Strategic Thematic Partnerships**

### **Advancing Thematic Reforms through Strategic Leadership and Peer Learning & Exchange**

#### ***Draft for Discussion***

The Strategic Refresh emphasizes the use of the OGP platform to deliver transformative reforms across the partnership. To achieve this, different parts of the Partnership (Steering Committee and subcommittees, OGP Support Unit, government and civil society reformers, strategic partners, and funders) would need to coordinate at the global, thematic, and country levels, which requires revising OGP's current peer learning and exchange model to scale up political leadership and raise the ambition of reforms developed and implemented across the partnership.

In thinking through a renewed approach to peer learning that is aligned with strategic refresh objectives, the Peer Learning and Support subcommittee (PLS) and the Support Unit have recommended changes following consultations with key actors in the partnership and a review of OGP's peer learning tools. First, the PLS subcommittee resolved to replace itself with a Thematic Leadership subcommittee with a substantive strategic and political mandate to advance core open government topics and galvanize leadership outside the Steering Committee. Additionally, at the tactical level, the subcommittee suggested making the Working Groups model more flexible to tap into new sources of funding such as the OGP trust fund and deliver more effective peer learning at scale.

As a global initiative, OGP relies on multiple venues, and partners for delivering its peer learning agenda in support of developing and implementing transformative commitments. This paper outlines a revised approach with respect to the new Thematic Leadership subcommittee and the OGP Working Groups.

#### **1. Thematic Leadership subcommittee: Mandate and Priorities**

In the first five years of OGP, the Steering Committee did not have an explicit focus or structure on mobilizing a race to the top, laying greater emphasis on "rules of the game" through the Criteria and Standards subcommittee and oversight of peer learning approaches and tools through the Peer Learning Support subcommittee. Given the strategic refresh and the Paris Declaration agenda, there is a renewed opportunity to create a real race-to-the-top towards transformative NAPs by reinvigorating global and country-based advocacy, using OGP events more politically, and deepening learning and exchange across thematic priorities. The new Thematic Leadership subcommittee would 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). It will do this by:



- Stronger sector-based Steering Committee leadership to advance core open government topics, including by recognizing and galvanizing leaders across the partnership and outside the Steering Committee.
- Using the 20-point Paris Declaration as an entry point for open government advocacy and mobilizing strategic partnerships at the global, regional, and national levels.
- Extending the impact of peer learning programs and activities of the Support Unit and Working Groups by leveraging new opportunities such as the OGP Trust Fund.
- Positioning OGP at various international fora as a key implementation and accountability platform for emerging norms and transformative reforms.

The new Thematic Leadership subcommittee will emphasize transformative content in National Action Plans (NAPs) rather than the process of NAP development. To encourage transformative content, the subcommittee will focus on the strategic aspects of political leadership, coalition building, and showcasing reforms to advance priority themes at the country, global, and sector levels across the partnership. This will be complemented by support at the tactical level through the delivery of technical assistance and peer learning by the Support Unit and strategic thematic partners (expert organizations, government and civil society reformers, donor partners, etc.) that would provide the sustained and concrete action required to advance progress in core areas of open government. Members of the Thematic Leadership subcommittee will:

#### **A. Advance open government reforms at the country level**

1. Lead by example: Develop ambitious commitments in subcommittee member country NAPs across thematic priorities set by the Support Unit and the Thematic Support Subcommittee, including those set out in the Paris Declaration. Government members should ensure their NAPs address priority thematic areas. Civil Society members should advocate for ambitious commitments across the priority thematic areas in a select number of countries and support implementation.
2. Showcase and share learning on developing and implementing ambitious reforms across priority and Paris Declaration areas:
  - Contribute directly to regional and global peer exchange and learning by showcasing ambitious and innovative reforms in Steering Committee meetings, webinars, regional meetings, workshops, research papers, and panels at events.
  - Share ideas, tools, expertise, and result stories on flagship thematic commitments with peer governments and civil society to inspire ambitious reforms.
3. Support to peer countries: Provide technical expertise and share learning among peer governments' implementing line ministries and civil society reformers during NAP development and implementation.

#### **B. Catalyze a global race-to-the-top across OGP**

1. Incentivize thematic leadership across the Partnership: Develop a structure within the subcommittee to recognize high performing governments and civil society reformers from outside and within the Steering Committee that lead on specific thematic issues to play a



strategic leadership role across the Partnership. Develop incentives to encourage countries to lead, showcase, and support peers' thematic reforms (e.g. linking countries with the Paris Declaration, developing awards and prizes, showcasing at OGP events, etc.).

2. Lead, advise, and expand OGP's strategic thematic partnerships: Provide strategic leadership and advice for deepening and expanding OGP's strategic thematic partnerships. Also, support bringing in new reform champions by providing connections to political, government reformers from line ministries, civil society leaders as well as sector-based strategic partner organizations through members' bilateral, regional, multilateral networks.
3. Host high-level meetings, conferences, and events with political, government and civil society leaders to promote open government norms and build reform coalitions across priority thematic areas (e.g. Govt. of UK hosting heads of government and promoting OGP at the UK Anti Corruption Summit).
4. Leverage membership in strategically important fora to promote OGP as an implementation and accountability platform for emerging norms and transformative reforms at venues such as:
  - International (e.g. G7, G20 and Sustainable Development Goals)
  - Multi-stakeholder (e.g. EITI, IATI, COST)
  - Sectoral (e.g. Health, Water, etc.)
  - Professional associations (e.g. ATI Commissioners, Government CIO/CTOs, Heads of Supreme Audit Institutions, Anti-corruption Commissioners, Ombudsmen)

### **C. Identify frontier thematic priorities for OGP**

1. Advise the OGP Support Unit and peer countries on long-term priorities in frontier thematic areas, based on an assessment of emerging trends in open government in NAPs and outside OGP. Also, promote open government norms in emerging areas with the aim of improving the quality and ambition of OGP NAPs.

### **2. Delivering Peer Learning and Technical Assistance Through a Strategic Thematic Partnerships**

Following the PLS subcommittee co-chair review of the Working Groups, the Peer Learning and Support subcommittee (PLS) subcommittee suggested moving to a flexible model that would allow tapping into new sources of funding (e.g. OGP Trust Fund) to support countries across a dynamic set of thematic priorities. The proposed model would allocate larger amounts of funding, on a competitive basis to strategic partners for high-impact peer learning and technical assistance. These strategic partners will support government and civil society in developing and implementing transformative commitments across key thematic areas prioritized by the Support Unit, the Thematic Leadership Subcommittee, and those set out in the Paris Declaration.



## A. Rationale

The rationale in favor of a partnership approach that uses flexible strategic thematic partnerships over formal Working Groups is that the concept of Working Group membership for both government and civil society is merely notional--i.e. In practice, Working Group "members" don't really benefit from membership as part of a peer network or community of practice regularly convened by co-anchors, as originally envisioned in the Working Groups model. It turns out that individual co-anchor organizations--mainly civil society co-anchors--shoulder most of the burden of delivering demand-based support. That, combined with limited financial resources, has constrained the level of thematic ambition that the Working Groups helped catalyze. Furthermore, while the Working Groups were focused on a fixed set of themes in the long term (e.g. ATI, open data, fiscal openness, etc.), the new model envisions a demand-driven set of themes that are better aligned with OGP's evolving strategy and thematic priorities.

## B. Components of the revised model

1. *Timeline:* OGP working groups to be sunset at the end of 2017 in advance of the next National Action Plan (NAP) cycle. Revised model to be piloted in early 2018 (detailed timeline below).
2. *Model:* Sign individual MoUs with interested strategic partners for ongoing cooperation (e.g. as the Support Unit did with OCP), which cover core support (i.e. NAP feedback) across foundational and priority thematic areas (e.g. ATI, Anti-Corruption, etc.) as well enhanced support (e.g. peer learning workshops, panels at events, research, implementation technical support, etc.) effective early 2018.

MoUs will be signed with individual organizations (e.g. Carter Center, GIFT, etc.) or a consortium (e.g. OCP + UK govt. or WWWF + B-Team + TI) of strategic thematic partners contracted to provide technical expertise and peer learning in support of developing and implementing more ambitious commitments across priority thematic areas.

3. *Criteria:* Strategic partners will be selected for MoUs based on the criteria below:
  - a) A commitment to OGP's values and principles expressed in the Open Government Declaration.
  - b) Demonstrated record of leadership and technical expertise in a thematic area prioritized by OGP, in more than one country.
  - c) Ability to convene and facilitate regional or global networks of thematic communities of practice and learning.
  - d) Sufficient capacity and resources to support multiple OGP countries at once.
  - e) Government strategic partners must be from OGP participating countries.
  - f) National level civil society actors
  - g) Preference will be given to consortia of organizations working on similar issues with complementary capacities. This includes OGP governments and civil society organizations working in partnership on similar issues/ joint initiatives at the global/ regional/ national levels.



4. Strategic thematic partners will be expected to support the process of NAP development and implementation through direct technical assistance and peer learning beyond the core support delivered by the Support Unit's Menu of Services. They can advance thematic agendas by mobilizing their networks for advocacy (e.g. the Contracting 5), 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.
  
5. *Resourcing:* MoUs do not come with automatic funding. Funding for strategic thematic partnerships can be provided by the OGP Trust Fund (OGPTF) if needed. Strategic partners who are MoU signatories can submit proposals to the OGPTF should they require funding to support a specific program activities outlined in the MoU. The funding ask in the proposal would need to be justified by specific activities and deliverables outlined in the proposal that recipients will be accountable to deliver. Proposals should cover activities for 1 year up to \$50,000 (suggested average size of OGPTF peer exchange grant is \$50K). While the MoUs can be signed by any strategic partner/ consortium of partners interested in deepening engagement on specific theme, those tied to the competitive funding bids will be subject to specific accountability and funding processes. The existing \$150,000 for the six working groups will be allocated to support proposals in a pilot phase in 2018. Proposal timelines would need to be synced up with NAP cycles.

### C. Timeline

| Milestone  | Date                             |
|--|----------------------------------|
| Discussion of revised model at SC Meeting  | September 2017                   |
| Sunset Working Groups  | December 31, 2017                |
| Develop pilot including selection criteria   | September 2017 - November 2017   |
| Call for proposals for pilot   | January - February 2018          |
| Approve proposals and announce pilot MoU funding recipients                          | March - April 2018               |
| Signing MoUs with expert partners including Working Group co-anchors without funding | March - April 2018               |
| Pilot implementation period  | June 2018 - June 2020            |
| Mid-term review of pilot (light-touch)   | June 2019                        |
| Parallel launch OGPTF call for proposals   | TBC; dependent on OGPTF timeline |

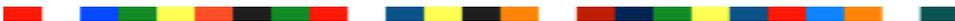


#### **D. Assumptions and Risks**

1. Assumes OGP Trust Fund will be online and will be in a position to review, approve, and fund proposals starting 2018. Proposals would be supported through Window 2 of the OGP Trust Fund beyond the pilot.
2. OGP Working Groups as an entity will cease to exist, which could present some challenges. For example, as an official vehicle of OGP, the Working Groups might have more leverage in convening peers particularly governments, which have been reluctant to contribute to peer learning activities. Further, as official OGP Working Groups, their advice has more cachet than independent organizations. However, this could be mitigated by a strong selection of strategic thematic partners such as the Open Contracting Partnership who bring credibility and convening power.
3. Advice provided by the OGP Working Groups is often considered neutral and independent of a particular government or civil society organization's agenda (with a few exceptions as revealed in the Working Group review). If OGP moves to a model of strategic thematic partnerships that are paid to deliver technical assistance, the optics could be less neutral.
4. Competitive bidding eliminates the predictability of funding associated with the current Working Group model as annual funding will not be guaranteed, which is required by some organizations for planning (e.g. Carter Center).
5. External funding provided to partners engaged in thematic leadership could cease once the OGP Trust Fund comes online.



# ANNEX I: OGP Menu of Services – Executive Summary



## OGP Menu of Services - Executive Summary

The menu of services is an updated model for supporting government and civil society reformers across the partnership, building upon lessons learned from the first six years of OGP. As a global partnership with 75 national and 15 subnational participants, OGP's success will be measured by its ability to address key societal challenges such as endemic corruption and poor service delivery through transformative open government reforms. At its heart this requires helping countries to broaden ownership, raise ambition and ensure credible implementation of open government reforms. To do this successfully, reformers across OGP need to strengthen context-specific political, technical and financial drivers of reform in their countries. To this end, OGP is developing an enhanced menu of services that can be deployed based on country need and can empower government and civil society stakeholders to:

**Galvanize Political Commitment:** High-level political support creates the authorizing environment that motivates and empowers mid-level reformers to pursue ambitious reforms. OGP seeks to catalyze high-level political commitment, including political outreach as well as mobilization and political advocacy by civil society and the Steering Committee.

**Forge Coalitions for Reform:** Ambitious reform commitments that aim to change the status quo often encounter strong political resistance from vested interests. OGP seeks to foster coalitions by aligning around shared goals, identify interdependencies and complementary actions, build trust and strengthen personal commitment and resilience.

**Empower through Peer Learning and Technical Support:** OGP's race-to-the-top model is underpinned by robust peer learning and exchange in which reformers are equipped to develop and implement transformative commitments by sharing inspiration, lessons, and technical expertise.

**Mobilize Financial Support:** A key feature of the menu of services is that the Support Unit will facilitate connections to foundations, donors and multilateral partners to finance National Action Plan (NAP) development or the implementation of specific commitments.

Building upon the core support the Support Unit currently delivers to OGP countries, the new menu of services offers a modular approach to country support mapped across the key drivers of reform. Support will be delivered through six service lines designed to deepen ownership, raise ambition, strengthen co-creation, and provide enhanced implementation support for National Action Plans. 'Core Support' encapsulates the majority of traditional OGP services currently delivered by the Support Unit. The remaining menu items are a combination of aspirational, or reflect support that has been provided in a few priority countries only. They will be iteratively designed, piloted, and delivered by the OGP Support Unit with strategic partners and supported by the OGP Trust Fund.

**Service #1 - Core Support:** Core support is the fundamental set of services that OGP provides to all countries across the NAP cycle. Support is provided through the Support Unit's country support program in collaboration with strategic partners on different thematic areas of open government reform, the Independent Reporting Mechanism (IRM), and the OGP Steering Committee. This program includes



assistance to countries interested in joining OGP, and regularly liaising with government and civil society counterparts to raise awareness, build ownership and coordinate co-creation processes on NAPs. It also includes support to establish permanent dialogue mechanisms to enable continuous collaboration between government and and civil society partners in developing, implementing and monitoring key policy reforms in the NAPs. In addition to this, the IRM monitors progress made towards implementing commitments and provides recommendations for improvement. Core support is the cornerstone of the OGP model and examples of delivery can be found in every OGP country.

**Service #2 - Enhanced Co-creation Support:** While NAP development is at the heart of the OGP approach, often government and civil society counterparts lack the political will, and financial, technical and organizational capacity to develop truly transformative reform commitments. Through enhanced co-creation support, OGP will help country reformers overcome these hurdles by offering targeted outreach and cabinet-level workshops, extensive engagement with marginalized groups for inclusive co-creation, coalition building support for both government and civil society counterparts, targeted thematic technical expertise and peer learning to ensure high quality commitments in areas that matter most to countries, and financial support for convening, logistical and learning activities. Nigeria is an example of a country where the enhanced co-creation approach is being piloted. Since it joined OGP, the Support Unit has organized a series of meetings and workshops aimed at building political buy-in, technical expertise and strengthening co-creation processes.

**Service #3 - Implementation Support:** An area where OGP has traditionally provided limited support has been in the implementation of NAP commitments. Most reform failures happen during delivery, illustrated by the fact that only 20 percent of NAP commitments assessed to date by the IRM have been fully implemented. To improve overall NAP completion rates and the likelihood of transformative commitments being fully implemented, OGP is developing a program of intensive implementation support, which includes activities to forge resilient reform coalitions, build technical capacity for implementation, and galvanize political commitment to ensure the success of reforms. By identifying gaps in political ownership, financial support, and technical capacity at the country level, the implementation support program mobilizes resources and trains reform teams using specific methodologies to iterate, learn, adapt and overcome obstacles to implementation. Implementation support will build upon existing programs such as the World Bank's Collaborative Leadership for Development (CL4D), and the approach to Problem Driven Iterative Adaptation (PDIA) developed at Harvard's Kennedy School, to identify gaps and train teams using agile / adaptive methodologies.

**Service #4 - In-country Learning and Accountability Support:** A key component of OGP's core support are assessments conducted by the Independent Reporting Mechanism (IRM). Countries learn from their IRM assessments, iterate and course correct to incorporate lessons across NAP cycles. OGP will leverage IRM reports to convene government and civil society stakeholders for a deeper dive to identify hurdles and challenges to implementation, thereby strengthening learning outcomes. Additionally, we will also support in-country learning and accountability by building capacity for monitoring and evaluation, NAP dashboards and tools, and workshops to identify gaps and course correct. For example, the Support Unit organized a sub-regional meeting with Argentina, Chile, Colombia, Panama and Peru led by the IRM to create an opportunity for learning and accountability, through which Colombia was able to develop an action plan with five starred commitments.



**Service #5 - Global Coalition and Collective Action Support:** OGP will seek to continue building a global alliance of open government practitioners around key policy areas which need political ownership and collective action at a transnational level in order to succeed, such as many of those outlined in the Paris Declaration. To this end, OGP works strategically with partners to build political ownership across several countries through convening activities at high level forums (UNGA, G20, London Anti-Corruption Summit etc.), OGP summits and regional meetings, and regional and sub-regional workshops. To ensure that reforms committed to internationally materialize at the domestic levels, OGP also actively promotes peer exchange activities to inspire innovation, collaboration and competition to implement these reforms. In addition to convening high level events, examples of support include regional and subregional learning events such as the Francophone Africa peer exchange workshop in Burkina Faso. The workshop brought together over thirty government officials, civil society participants and development partners from ten Francophone Africa countries as well as eligible and near eligible countries.

**Service #6 - Integrated Cross-country and In-country Support:** The final item in the menu brings together all the key services for an integrated approach which encourages learning across different countries, and specifically between coalitions for change around specific reforms in those countries. This leverages the different services around political engagement, peer learning, coalition building and iterative learning, and tackles a specific open government reform challenge, such as open contracting or beneficial ownership transparency, where international peer-to-peer support is essential. By bringing together different stakeholders facing similar challenges in real-time, OGP can truly inspire a race to the top on specific reforms and create an environment for sharing of innovation and learning.

Through these six programs, OGP aims to empower country reformers and give them the tools to address context-specific challenges and implement transformative reforms that will have a lasting impact on citizens. Across the partnership we hope to strengthen global advocacy campaigns, broaden the base of open government champions and follow through on the Paris Declaration by enhancing thematic leadership. We will be conducting detailed program design activities through the end of 2017, including in consultation with strategic partners. While many services from this enhanced menu have already been delivered on a demand driven ad-hoc basis, we will begin formally piloting programs through a soft launch in early 2018. While OGP has been utilizing conventional financing sources to deliver services in the past six years, it has developed a new channel of funding for enhanced services through the OGP Multi-Donor Trust Fund.



**Table: Programs and Services**

| Service Matrix   | Drivers of Reform  |   |  |   |
|--|--|---|--|---|
|  | Galvanize Political Commitment   | Forge Coalitions for Reform   | Empower through Peer Learning & Technical Expertise  | Mobilize Financial Support  |
| <b><i>I. In Country Services</i></b>   |  |   |  |   |
| <b>Service # 1<br/>Core Support</b><br><br><i>Provided to all OGP participating countries</i>    | <ul style="list-style-type: none"> <li>- High-level political outreach and strategic advocacy to join OGP</li> <li>- Basic outreach to Ministerial (or equivalent) and higher levels to ensure ownership of the OGP agenda</li> <li>- Awareness raising and engagement with domestic civil society organizations to ensure bottom-up demand and ownership of OGP agenda</li> </ul> | <ul style="list-style-type: none"> <li>- Regular guidance and support to government points of contact (PoC) and civil society groups throughout the action plan cycle</li> <li>- Mobilization and coordination of domestic civil society organizations</li> </ul> | <ul style="list-style-type: none"> <li>- Eligibility support for joining OGP</li> <li>- New country orientation</li> <li>- Broker basic technical assistance with OGP Working Groups and strategic partners</li> <li>- Peer learning through PoC conferences, workshops, regional meetings</li> <li>- Webinars on key open government issues</li> <li>- Review of draft Action Plans upon request</li> <li>- IRM Assessments for learning</li> </ul> | <ul style="list-style-type: none"> <li>- Mobilize country budgets for action plan development and implementation</li> <li>- Donor and foundation support on a country by country basis</li> </ul>                 |
| <b>Service # 2<br/>+ Co-creation Support</b><br><br><i>Provided to a subset of OGP countries</i> | <ul style="list-style-type: none"> <li>- Peer &amp; Steering Committee outreach on ambitious reforms</li> <li>- Cabinet workshops to broaden ownership for OGP across government</li> <li>- Outreach for more inclusive dialogue with broader civil society</li> </ul>   | <ul style="list-style-type: none"> <li>- Support for multi-stakeholder dialogue forums</li> <li>- Upstream Coalition Building workshop among govt-CSO reformers for ambitious commitments</li> </ul>  | <ul style="list-style-type: none"> <li>- Workshops on how to hold successful co-creation processes and establish permanent dialogue mechanisms</li> <li>- Problem analysis, commitment drafting and prioritization workshop</li> <li>- Ongoing technical support for</li> </ul>  | <ul style="list-style-type: none"> <li>- Support Unit micro-grants to civil society to support co-creation processes</li> <li>- Trust fund or donor/foundation grants to support co-creation processes</li> </ul> |



|   |  |  |   |  |
|---|--|--|---|--|
|   | groups and marginalized communities  |  | civil society (problem diagnosis, strategic advocacy)<br>- Regional and subregional co-creation workshops<br>- Detailed Action Plan reviews by the Support Unit and partners  |  |
| <b>Service # 3</b><br><b>+ Implementation Support</b><br><br><i>Provided to a subset of OGP countries</i>                           | <i>Overall Action Plan:</i><br>- Cabinet workshops to build ownership across lead and line ministries<br>- Bilateral outreach by OGP Steering Committee members to political leadership to ensure action plan implementation in countries<br><br><i>Transformative commitments:</i><br>- Political outreach to support/bolster lead ministers and CSOs | <i>Overall Action Plan:</i><br>- Joint workshop with government and civil society to build trust, delineate roles and responsibilities, and agree on timelines and milestones<br>- Capacity building of civil society groups to monitor the implementation of Action Plans<br><br><i>Transformative commitments:</i><br>- Implementation, Adaptation and Coalition building program for multi-stakeholder reform teams | - Broker assistance through OGP Working Groups and strategic partners for specific commitments<br>- Regional Peer Learning on thematic commitments (open contracting, beneficial ownership)<br><br><i>Transformative commitments:</i><br>- Implementation support and training workshop | - Mobilize country budgets to finance implementation<br>- Donor projects to finance implementation<br>- Trust fund grants for Action Plan implementation |
| <b>Service # 4</b><br><b>+ In-country Learning &amp; Accountability Support</b><br><br><i>Provided to a subset of OGP countries</i> | - IRM Launch workshops involving Ministerial level (or equivalent high ranking officials) to create accountability moments on OGP progress   | - Coalition building and iterative learning support for multi-stakeholder reform   | - Mid term review workshop convening multiple stakeholders and media to forge consensus for learning and course correction<br>- Access to research and evidence on what works, what doesn't, and how to craft effective strategies to   | - Support unit grants to promote country learning<br>- MDTF grants to promote country learning   |



|  |  |  |   |  |
|--|--|--|---|--|
|  |  |  | implement open government reforms<br>- Tools for monitoring and evaluation (Dashboard, online repository, progress reporting) |  |
|--|--|--|---|--|

**II. Cross Country Services**

|   |   |  |   |   |
|---|---|--|---|---|
| <b>Service # 5</b><br><b>+ Global Coalition and Collective Action Support</b> | - Build high-level political ownership and commitment on specific thematic areas of the Paris Declaration (e.g. London Anti Corruption Summit) or on overall open government reforms (e.g. Biennial summit, UNGA) |  | - Regional and sub regional workshops on thematic areas<br>- Bilateral exchanges on specific thematic areas | - MDTF grants to promote country learning |
|---|---|--|---|---|

|  |   |   |  |   |
|--|---|---|--|---|
| <b>Service # 6</b><br><b>+ Integrated Cross-Country &amp; In-Country Support</b> | - Convene political leaders responsible for shared transformative reforms | - Support to multi-country, multi-stakeholder reform teams on shared problems or thematic areas (e.g. open contracting, beneficial ownership transparency) through the coalition building program | - Ongoing peer exchange and iterative, adaptive learning from in-country implementation and cross-country experience | - MDTF financing for implementation of transformative commitments |
|--|---|---|--|---|



## ANNEX II: Proposed IRM Refresh Timeline



## Proposed IRM Refresh Timeline

| Milestone  | Time frame           | Who  |
|--|----------------------|--|
| 1. Call for proposals  | April-early May 2017 | IRM staff  |
| 2. Select reviewer; negotiate ToR  | May 2017             | IEP  |
| 3. Calls for inputs in June and July*;   | June-July 2017       | Reviewer   |
| 4. A draft for IEP review  | September            | IRM staff and IEP  |
| 5. Steering committee consultation with IRM evaluators on preliminary findings   | September            | Steering Committee   |
| 6. Draft review for SteerCo comment  | October              | Staff to circulate   |
| 7. SC Endorsement: The IRM will provide a packet of (1) the finalized review; and (2) the prioritized next steps to the SC for endorsement, following IEP endorsement [Possibly for endorsement by GL and C&S during early 2018] | November             | Steering Committee   |
| 8. Implementation plan developed and launched  | January-March 2018   | IRM staff to develop and implement plan under supervision of the IEP in consultation with Criteria and Standards |
| 9. Implementation of various parts:<br>a. IEP<br>b. Steering Committee (esp. Criteria and Standards)<br>c. IRM/SU  | March 2018 onwards   | Various.   |

**\* When will Steering Committee members be able to give input?**

Steering committee members will have three opportunities during June and July:

- In person with Mike Beke (of Blomeyer and Sanz) June 26-27
- By survey sent out from Blomeyer and Sanz
- In select phone interviews
- In-person meeting with Mike Beke as part of September Steering Committee meeting.

