Independent Reporting Mechanism (IRM) Progress Report 2014-2015: Mongolia

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This report was prepared by Batbold Zagdragchaa and Tserenjav Demberel, in their capacity as independent researchers.

Executive Summary: Mongolia

Mongolia's first action plan addressed key priorities like fiscal and environmental transparency. The consultation process was extensive but did not include clear decision-making procedures. Moving forward, the OGP National Council should be relaunched and revamped in order to improve performance and deliver concrete results.

The Open Government Partnership (OGP) is a voluntary, international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The IRM carries out a biannual review of the activities of each OGP participating country.

Mongolia began its formal participation in OGP in early 2013. It developed its first national action plan from March 2013 to May 2014.

Initially, the Ministry of Foreign Affairs was responsible for Mongolia's OGP participation. In June 2013, this responsibility shifted to the Cabinet Secretariat, which now coordinates Mongolia's OGP process and commitments. In November 2013, the Cabinet Secretariat created the OGP National Council comprised of government ministries and some civil society organizations.

The council held its first meeting on 16 June 2014 and adopted the national action plan. However, the council has not held another meeting since adopting the action plan, and the IRM researchers could not find any information regarding any decisions made since that time. At the end of 2014, the former chairman of the Cabinet Secretariat and leader of the OGP National Council, Mr. Saikhanbileg, became prime minister of Mongolia.

OGP PROCESS

Countries participating in OGP follow a process for consultation during development of their OGP action plan and during implementation.

The government of Mongolia carried out an extensive consultation with a variety of stakeholders, although some did perceive the final drafting process as not open enough. Final approval of the action plan was delayed for several months because of this final drafting process as well as some technical and organizational issues.

However, after a relatively open process to develop the action plan, no clear structure exists for ongoing OGP evaluation, nor is there evidence of cooperation between government and civil society. The OGP National Council has essentially been inactive since adopting the national action plan. Further, stakeholders have criticized that the business sector has dominated the representation of civil society in the council's structure.

The government officially submitted its self-assessment report to the OGP Support Unit in late October 2015. The report contains a small amount of information regarding the implementation of the OGP action plan commitments from the related ministries and agencies, but does not include any information on consultations as the OGP guidelines instruct.

At a glance

Member since:	2013
Number of commitments:	21

Level of Completion

Completed:	1 (5%)
Substantial:	4 (19%)
Limited:	10 (48%)
Not started:	6 (29%)

Timing

On or ahead of schedule:	6 (29%)

Commitment Emphasis

Access to information:	16 (77%)
Civic participation:	6 (29%)
Accountability:	7 (34%)
Tech & innovation for transparency & accountability:	10 (48%)
Unclear:	3 (15%)

Number of Commitments that were:

Clearly relevant to an OGP value:	18 (86%)
Of transformative potential impact:	9 (43%)
Substantially or completely implemented:	5 (24%)
All three (✪):	2 (10%)

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As part of OGP, countries are required to make commitments in a two-year action plan. Mongolia's country action plan is comprised of 21 commitments. The IRM staff and the national researchers clustered the plan into seven thematic groups to facilitate analysis, while still maintaining the original numbering. The following tables summarize each commitment, its level of completion, its ambition, whether it falls within the planned schedule, and the key next steps for the commitment in future OGP action plans.

Mongolia's action plan contained two starred commitments (3.3.1.3 and 3.3.1.6). Starred commitments are those that are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented. Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. Under the old criteria, Mongolia would have received three additional stars (3.3.1.8, 3.3.2.2, and 3.3.2.6). See (http://www.opengovpartnership.org/node/5919) for more information.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
✪ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.									
Group 1: Public Information Transparency Frameworks									
3.3.1.1: Establish National Information Transparency Committee and create the structure of the Information Commissary.	█	█	█		█	█			Behind schedule
3.3.1.2: Modernize information transparency performance indicators into "citizen-targeted" ones.	█	█			█	█			Behind schedule
Group 2: Budget and Financial Transparency									
✪ 3.3.1.3: Launch the Transparent Account System to provide information on budget revenue, expenditure, procurement, and investment.	█	█	█	█	█	█	█		On schedule
3.3.1.7: Publicly disclose information on foreign loan assistance.	█	█	█	█	█	█			Behind schedule
3.3.1.8: Disclose budget-funded procurement contracts above MNT 80 million.	█	█	█		█	█	█		On schedule
Group 3: Transparency of Natural Resource Use									
3.3.1.4: Develop a central database of mineral, oil, and land-tenure license owners.	█	█	█	█	█	█			Behind schedule
3.3.1.5: Publish contracts of all investment, stability, and production-sharing agreements of publicly owned resources like water, minerals, oil, and land.	█	█	█	█	█	█			Behind schedule
✪ 3.3.1.6: Publish a list of environmental information that must be made public.	█	█	█	█	█	█	█		On schedule

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
✪ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
Group 4: Increasing Civic Participation									
3.3.2.1: Introduce new communications channels for civic engagement.	■	■	■		■	■			Behind schedule
3.3.2.6: Report public feedback on government performance from the "11-11" Center, increase the number of public service online machines, and introduce a system to respond to and track enquiries.	■	■	■		■	■	■		On schedule
3.3.3.5: Create regulation to repeal decisions made without due civic participation and hold those officials at fault accountable.	■	■	■	■	■	■			Behind schedule
3.3.3.7: Strengthen citizen capacity through projects to enhance legal knowledge of target groups, using simple language.	■	■			■	■			Behind schedule
Group 5: Improving Public Services									
3.3.2.2: Launch the "Smart Government" program for delivering e-public services through the public-service portal.	■	■	■		■	■	■	■	Ahead of schedule
3.3.2.3: Create a single point of access for public services.	■	■			■				On schedule
3.3.2.4: Improve smart e-service capabilities for unified public-service windows.	■	■			■				Behind schedule
3.3.2.5: Increase the number and content of local public service online machines.	■	■	■		■	■			Behind schedule
3.3.3.6: Deliver draft laws and rules to the public efficiently by allowing access through the public service online machines, civic halls, and libraries in each province.	■	■	■	■	■				Behind schedule
Group 6: Improving Law Enforcement									
3.3.3.1: Develop and publish e-mapping of crime.	■	■	■		■	■			Behind schedule
3.3.3.2: Create a unified database on law enforcement activities and crimes and ensure that relevant bodies can access it.	■	■	■		■	■			Behind schedule
Group 7: Increasing Public Integrity through Asset Disclosure									
3.3.3.3: Introduce a system to randomly disclose public servants' asset declarations.	■	■	■	■	■				Behind schedule
3.3.3.4: Publish the asset declarations of officials in organizations with a high risk of corruption and ensure citizen monitoring.	■	■	■	■	■				Behind schedule

Table 2: Summary of Progress by Commitment

NAME	SUMMARY
✪ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	

Group 1: Public Information Transparency Frameworks

3.3.1.1: National Information Transparency Committee and Information Commissary • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 3.3.1.2: "Citizen-targeted" transparency indicators • OGP value relevance: Clear • Potential impact: Minor • Completion: Not started	As a result of the Law on Information Transparency and Right to Information, passed in 2009 and amended in 2014, citizens can report any violations of their right to access information to higher authorities. However, the specified bodies that would help guarantee implementation of this law have not been created. Similarly, Government Decree No. 143 (2009) established around 30 transparency indicators for all levels of government organizations. But the government did not update the indicators during the period evaluated. These commitments do not specify a few necessary aspects of the institutions and indicators they would reform, but they do respond to civil society concerns and aim to improve previously unsatisfactory implementation of access to information in Mongolia. Therefore, these commitments should be carried forward, and their full implementation should be a continued goal for the government. Public discussions would help demonstrate the necessity of these institutions. They would also help clarify what "citizen targeted" means and which changes are most needed in reforming government transparency indicators.

Group 2: Budget and Financial Transparency

✪3.3.1.3: Transparent Account System • OGP value relevance: Clear • Potential impact: Transformative • Completion: Substantial 3.3.1.7: Disclose information on foreign loan assistance projects • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited 3.3.1.8: Disclose procurement contracts above MNT 80 million • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	The 2014 Glass Account Law obliges all agencies to publish budget information through the transparent account system. During the period under review, two meetings were held on the system, and a civil society evaluation of it from January to July 2015 found an increase in information disclosed on procurement, income, and expenditures. On the second commitment, there was previously no system to publish foreign loan and aid information. On 18 February 2015, Mongolia adopted the Law on Debt Management, and according to the Ministry of Finance a data system within this law's framework is nearly complete. Finally, procurement contracts above MNT 5 million (~US$2,500) will be disclosed starting 1 January 2016, according to the Glass Account Law. A lack of fiscal transparency and accountability has been a key challenge to public investment. Similarly, Mongolia's gross external debt stands at over US$20 billion, according to the Mongolian Central Bank, and prior to the changes with the Glass Account Law, it was common not to reflect important procurement data like financing schedules appropriately, which weakened accountability. Based on the first few months' implementation of the Glass Account Law, fully applying and guaranteeing implementation of every article of the law is more important than beginning to plan amendments or changes to the law. However, at a later stage some improvements can be made in the Glass Account online system. Additionally, the minimum budgetary amount subject to transparency laws is currently MNT 5 million; reducing that to MNT 1 million could be considered. Finally, given the historic and impending budgetary effects of loan repayment, the next action plan should especially focus on transparency and accountability on this topic.

Group 3: Transparency of Natural Resource Use

3.3.1.4: Database of mineral, oil, and land-tenure license owners • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited 3.3.1.5: Publish contracts involving publicly owned natural resources • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited ✪ 3.3.1.6: Mandatory public environmental information • OGP value relevance: Clear • Potential impact: Transformative • Completion: Substantial	No general database for mineral, oil, and real estate-ownership licenses exists so far, although the Mineral Resource Authority is collaborating with the National Data Center to transfer the license databases online. Some foreign investment and major stability agreements are now transparent, like those for the major Oyu Tolgoi mining project. But other types of natural resource contracts, especially the oil production-sharing agreements, remain closed due to arguments of business confidentiality. Finally, first steps are being made in mandatory, public environmental information. In September 2014, local- and state-level authorities were required to upload information to the environmental integrated database (www.eic.mn) that currently holds 22 different datasets, including commitment-specified ones like pollution. Mongolia holds an impressive wealth of mineral resources, and the transparency of mineral licenses and agreements has become an issue of significant public interest. Thus, the IRM researchers recommend that this topic remain one of the principal priorities in the next OGP action plan. Some key next steps include completing the databases and systems in this group of commitments, fully implementing existing laws in the sector, and enforcing best practices for private company disclosures to and partnerships with affected communities. At the same time, the government should take care not to overly rely on digital transparency. Finally, stakeholders should consider whether to take up the more difficult, wider issue of professionalizing and standardizing land ownership and land distribution registration.

(Table 2 Continued)

Group 4: Increasing Civic Participation

3.3.2.1: New communications channels for civic engagement • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	The commitments in the civic participation group did not see much progress during the period: • The July 2014 Information Transparency and Information Access Right Act and the July 2015 Law on Public Hearing both require certain communications with the public on government decisions, although actual implementation has been sporadic. • The "11-11" Center has operated continuously since 2014, registering feedback and then transferring the information to relevant government bodies for further action. While the IRM researchers were able to confirm that a number of machines went up during the reporting period, the center's effectiveness has weakened after the resignation of the New Government for Changes in November 2014. • The government has not made a regulation to repeal decisions taken without due consultation. • Most of the Ministry of Justice's trainings during this period were aimed at local government officials instead of citizens, although many international, nongovernmental organizations have implemented projects for this goal.
3.3.2.6: Public feedback and tracking system for government "11-11" Center • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	
3.3.3.5: Regulation to repeal decisions taken without due civic participation • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited	These commitments were formed in a context of varied and sporadic participation. Some laws received many comments, while others received none. This attention usually depended on media coverage and public perceptions of the importance of the laws. Further, for the comments received, there was no clear procedure to deliver those comments to parliamentarians and policymakers. Moving forward, the government should fully implement these commitments, evaluate the last two years, and discuss how to improve this service with stakeholders. The possible exception would be the regulation to repeal policies without sufficient consultation. A less burdensome requirement could be to require policies to show that citizens were sufficiently consulted prior to their approval, which would prevent confusion from passing and then repealing policies.
3.3.3.7: Citizen legal knowledge capacity building • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	

Group 5: Improving Public Services

3.3.2.2: Smart Government program for e-public services • OGP value relevance: Clear • Potential impact: Moderate • Completion: Complete	These public-service commitments, not all of which made clear their relevance to open government, had the following levels of completion: • On 16 November 2013, President Ts. Elbegdorj announced the Smart Government initiative to enhance citizen participation, create an open data center, and improve efficiency and transparency of government services. On 8 June 2015, parliament ratified a US$17.9 million project with the World Bank to launch the program. • One-stop service centers operate in the capital city, all districts, and other provinces, and house services like registration, customs, and banking that each requires a separate state official. Thus, one of the plan's goals was to provide access to other services via a single officer, but the IRM researchers found no evidence of progress. • The government service e-machines (GSEM, ТУЦ машин) opened to the public on 19 June 2013. The GSEM are online terminals located in heavily populated areas and connected to the integrated database system of government authorities. The use of e-machine services continuously increased from the beginning of 2014. But while the Cabinet Secretariat and Human Security Policy Studies Centre (HSPSC) agreed to introduce one-window service online at *soum* and *khoroo* level, the IRM review found no activity during the period. • Prior to this commitment, draft laws were displayed on parliament's website and other ministry websites. During the first year of implementing this action plan, the IRM researchers found no evidence of improvements to consultation timeliness or transparency through GSEM, civic halls, or local public libraries.
3.3.2.3: Single access point for public services • OGP value relevance: Unclear • Potential impact: Minor • Completion: Not started	
3.3.2.4: Smart e-service capabilities for unified public-service windows • OGP value relevance: Unclear • Potential impact: Moderate • Completion: Not started	
3.3.2.5: Increase number of public service online machines • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	The IRM researchers recommend fully implementing the e-service commitments, although only those with clear relevance to open government should be included in future action plans. They also recommend putting information regarding the draft law process in the "integrated legal information system" of Mongolia at www.legalinfo.mn, including relevant background documents together with laws, and creating mechanisms for ordinary citizens to express their opinions regarding certain chapters or articles of draft laws before they are adopted. Finally, the government and stakeholders who participate in consultations about the next action plan should consider moving beyond access to information about public services to more participation in their design and monitoring. CIVICUS's Participatory Governance Exchange program, and particularly its toolkit for participatory monitoring and evaluation of public services, could provide some basic tools to begin this process.
3.3.3.6: Draft laws available through public service online machines, civic halls, and libraries • OGP value relevance: Clear • Potential impact: Transformative • Completion: Not started	

(Table 2 Continued)

Group 6: Improving Law Enforcement	
3.3.3.1: Develop crime e-mapping • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 3.3.3.2: Unified law enforcement database with access for relevant bodies • OGP value relevance: Unclear • Potential impact: Moderate • Completion: Limited	In June 2013, a working group was formed to develop the e-crime mapping software, which was completed in 2014 and is online at http://crimemap.police.gov.mn/. However, the IRM researchers tested the map, and at the time of preparing this report no information was available. Certain limited tasks have been accomplished toward a united information database, such as the July 2015 Parliamentary Decree No. 23 to build this database. According to the project leader at the Ministry of Justice, 50–60% of the plan has been implemented. Note, however, that the second commitment does not explicitly say that it will be public to citizens. Once transparency in policing and crime is achieved, additional efforts in participation and accountability should be considered. Some examples from the Open Government Guide include whistleblower procedures for policing, publishing information on police budgets, and regular public surveys about crime and policing.
Group 7: Increasing Public Integrity through Asset Disclosure	
3.3.3.3: System to randomly disclose public servants' asset declarations. • OGP value relevance: Clear • Potential impact: Transformative • Completion: Not started 3.3.3.4: Publish asset declarations from organizations with a high risk of corruption. • OGP value relevance: Clear • Potential impact: Transformative • Completion: Not started	Since May 2012, Mongolia has public integrity legislation embodied in various key laws. However, this principle is barely implemented. Due to the limited government capacity to review each of 40,000 public servants' declarations, civil society organizations suggested a system of random disclosure. The Independent Authority Against Corruption of Mongolia reports that it has been researching the idea, but no concrete activity occurred during the first year of action plan implementation. The second commitment targeted authorities with a high likelihood of corruption, such as officers from the Mineral Resource Authority. During the year analyzed by this report, this group's declarations remained closed. Until 2015, perceptions of corruption had been trending downward in Mongolia, but recently perceptions of political corruption are on the rise. Moving forward, the IRM researchers recommend that these commitments be fully implemented with clear, effective citizen monitoring. For example, the government could consider ways to allow civil society and individual citizens to report acts of corruption or suspicions of conflicts of interest.

RECOMMENDATIONS

Mongolia's first action plan included a high degree of potentially transformative commitments. For each of those commitments, the researchers recommended their full completion as well as specific next steps. This section recommends general next steps for the OGP process in Mongolia rather than specific commitments. They are based on the findings about the processes of developing and implementing the action plan as well as the national context and stakeholder priorities.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the "SMART" logic: they are Specific, Measurable, Answerable, Relevant, and Timebound.

TOP FIVE 'SMART' RECOMMENDATIONS
One: Approve and publish a clear, stable structure of authority and outline of responsibilities for the OGP Council.   • These responsibilities should include all elements that OGP requires (consultation during action plan development and implementation, publication of the action plan, overseeing implementation of the commitments, and publishing a self-assessment).
Two: Guarantee wider civil society participation on the OGP Council by inviting and encouraging specific civil society organizations to join.   • This should be a tenet of the structure established in the first recommendation.   • While this recommendation is for the government, leading civil society organizations will also need to dedicate their time and resources to participating in the OGP initiative.
Three: At least one commitment on transparency, participation, and/or accountability in education is included in the next action plan, resulting from collaboration with civil society stakeholders from the education sector.
Four: At least one commitment on media freedom is included in the next action plan, resulting from collaboration with civil society stakeholders from the media, journalism, and press-protection sector.
Five: Expansion and closer alignment between Mongolia's open government and national resource and extractives activities. This includes: • A seat on the OGP Council is reserved for a liaison from the Extractive Industries Transparency Initiative (EITI) national council.   • At least one commitment on civic participation and/or public accountability in the natural resources and extractives sector is included in the next action plan, resulting from collaboration with civil society stakeholders from the natural resource sector.

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

Open
Government
Partnership

I. National Participation in OGP

Mongolia began its formal participation in OGP in early 2013. It developed its first national action plan from March 2013 to May 2014. The Cabinet Secretariat now coordinates Mongolia's OGP process and commitments. In November 2013, the Cabinet Secretariat created the OGP National Council comprised of government ministries and some civil society organizations. However, since approving the action plan, the council has not held another meeting.

History of OGP Participation

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments as well as civil society and private-sector entities that support the principles and mission of OGP.

Mongolia began its formal participation in the OGP in early 2013. Previously, President Ts. Elbegdorj attended the OGP founding summit in New York City on 20 September 2011.

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions, with points awarded as described below.

All OGP participating governments are required to develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments should begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s) (see Section IV), including specific open government strategies and ongoing programs. Action plans should then set out governments' OGP commitments, which move government practice beyond its current baseline with respect to the relevant grand challenge. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Mongolia developed its national action plan from March 2013 to May 2014. The effective period of implementation for the action plan submitted was officially 1 July 2014 to 30 June 2016. This report covers activity from the first year of implementation (1 July 2014 to 30 June 2015). At the time of writing this report, the government had not published a self-assessment report and had only collected a small amount of information from related ministries and agencies in 2015.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Transparency Foundation, which carried out this evaluation of the development and implementation of Mongolia's first action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country. Methods and sources are addressed in a methodological annex to this report.

Basic Institutional Context

The Cabinet Secretariat coordinates Mongolia's OGP process and commitments. In the initial stages of Mongolia's OGP participation, the Ministry of Foreign Affairs was responsible for Mongolia's commitments. This responsibility shifted to the Cabinet Secretariat in June 2013.

The prime minister formed the OGP working group in July 2013 by Decree No. 107, and the chairman of the Cabinet Secretariat re-created the group as the OGP National Council on 23 November 2013 by Order No. 115. Its structure consists of three branches: units at individual ministries, units at local government entities, and civil society organizations. According to Decree No. 61 of 16 May 2014, the national council is responsible for arranging, coordinating, reviewing, and integrating OGP policy and planning implementation.

On the government side, the chairman of the Cabinet Secretariat leads the council, and the council members are the deputy chairman of the Cabinet Secretariat, representatives from the Ministry of Foreign Affairs, Ministry of Justice, Ministry of Finance, and Ministry of Economic Development. The director of the Monitoring, Evaluation, and Internal Auditing Department of the Cabinet Secretariat works as its secretary.

On the civil society side, the president of the Mongolian National Chamber of Commerce and Industry (MNCCI) takes the lead role, and members include the president of the Mongolian Employers' Federation, the president of the Mongolian National Association, and the executive director of the Open Society Forum.

Members hold this adjunct position while doing their full-time duties.

Note that the council is also known as the OGP National Board. The members and structure of this board are exactly the same as the council structure that was approved one month before by the prime minister, but it was named differently. This adds an element of uncertainty for those trying to monitor the OGP process in Mongolia, so throughout this document the IRM researchers will use the more common title of OGP National Council. The council held its first meeting on 16 June 2014 and adopted the national action plan and its rules. Afterward, it held no further meetings, and the IRM researchers could not find any information regarding any decisions made since that time.

At the end of 2014, the former chairman of the Cabinet Secretariat Mr. Saikhanbileg became prime minister of Mongolia. But as Section III of this report explains, this did not translate into a greater profile for OGP in the country.

One major criticism has been that business-sector representation has dominated the council, while more traditional NGO engagement has been absent. Encouragingly, at the IRM stakeholder meeting, representatives from the Cabinet Secretariat informally promised to have more traditional NGO engagement moving forward.

Methodological Note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In Mongolia, the IRM partnered with Transparency Fund. OGP staff and an international panel of experts reviewed the report.

To gather the voices of multiple stakeholders, Transparency Fund organized a stakeholder forum in Ulaanbaatar, which they conducted according to a focus group model. Individual interviews—as well as an extensive review of civil society,

development partners, and media reporting—also informed the report. Summaries and more detailed explanations are given in the methodological annex.

This progress report covers the first year of implementation of the two-year action plan.[1] A final, end-of-term report will be published after the end of the action plan's two-year period.

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[1] This action plan is available in Mongolian at www.zasag.mn/tunshlel and in English at http://www.opengovpartnership.org/country/mongolia/action-plan. There are some differences between the versions, discussed at the beginning of Section IV of this report.

II. Process: Consultation during Action Plan Development

The government of Mongolia carried out an extensive consultation with a variety of stakeholders, although some did perceive the final drafting process as insufficiently open. Final approval of the action plan was delayed for several months due to the final drafting process and some technical and organizational issues.

Countries participating in OGP follow a set process for consultation during development of their OGP action plan. According to the OGP Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation;
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views; and make a summary of the public consultation and all individual comment submissions available online;
- Undertake OGP awareness-raising activities to enhance public participation in the consultation; and
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation is set out in the OGP Articles of Governance. This requirement is dealt with in "Section III: Consultation during Implementation":

- Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one.

This is dealt with in the next section, but evidence for consultation both before and during implementation is included here and in Table 1 for ease of reference.

Table 1: Action Plan Consultation Process

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the government meet this requirement?
During Development	Were timeline and process available prior to consultation?	Yes
	Was the timeline available online?	Yes
	Was the timeline available through other channels?	Yes[1]
	Was there advance notice of the consultation?	Yes
	How many days of advance notice were provided?	7
	Was this notice	Yes[2]

	adequate?	
	Did the government carry out awareness-raising activities?	Yes[3]
	Were consultations held online?	No
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	No[4]
	Were consultations open or invitation-only?	Open
	Place the consultations on the IAP2 spectrum.[5]	Collaborate
During Implementation	Was there a regular forum for consultation during implementation?	No

Advance Notice and Awareness Raising

A working group to develop the OGP national action plan was established in July 2013 and included both government and NGO representatives. Several media reports, covering Mongolia's OGP participation and its intention to develop the action plan, were disseminated through television channels and daily newspapers.

The president of Mongolian led an open discussion on the OGP national action plan at the Citizens Hall on 15 August 2013. The discussion was open to any interested stakeholders and was divided into two sections: public institutes and the private sector. This event was broadly publicized through the media: news and interviews regarding this open discussion were broadcast on television that day and published in daily newspapers the following day.[6]

Depth and Breadth of Consultation

Civil society organizations and citizens broadly and actively participated in the development process of the OGP national action plan. Civil society, private sector, and branches of the government were all invited to consultations, but mostly NGO representatives and citizens participated in the meetings and discussions. Participants during the open discussion included the Center for Citizens' Alliance, Disaster Studies Center, Democracy Education Center, Environmental Civic Council, and Huvsgul Lake Movement.

As a result of the diverse group of participants, the consultation process captured a decent range of views. Ministries and government agencies delivered their suggestions in written form, and civil society and citizens made many recommendations indirectly to government agencies via email. Civil society and research organizations such as Open Society Forum were actively engaged. The government shared power with stakeholders on deciding which commitments to include. These stakeholders expressed many different positions and ideas, but most stakeholder observations were general impressions and critiques of the overall quality of the action plan. Stakeholders raised

many additional suggestions and recommendations during discussions held after the open discussion on 15 August 2013. But the government never responded to those suggestions and recommendations. The working group received suggestions and recommendations and decided which should be taken up and how to incorporate them into the national action plan. However, the government did not consult with the public again before finalizing the plan. As a result, the final version had some differences with CSOs' expectations, which, in turn, they criticized.[7]

Even so, there were a few well-developed and valuable comments. The working group incorporated some of them into specific commitments in the OGP national action plan, and some CSOs were included as supporting organizations for commitment implementation, such as Citizens Control Budget Social Network and Human Security Research Center. In other cases, instead of citing specific CSOs, the working group used the more general term "civil society organizations" a few times in the plan. While this shows openness to cooperating with any organizations under this general term, it does create an issue of uncertain accountability.

It is worth noting that discussions on the OGP national action plan development were held nationwide during August and September of 2013. In provinces, most meetings were organized by the Citizens' Representative Khural. For example, more than 60 people from the government sector and civil society participated in the public discussion on 29 August in Bulgan province. During this discussion, some suggestions, such as ensuring public participation in government procurement processes and creating civil auditing units within local development funds' structures, were raised and adapted into the plan.[8]

Finally, due to the finalization process of the draft and some organizational and technical issues, adoption of the OGP national action plan was delayed for four to six months. For example, Decree No. 381 of the government of Mongolia on 23 November 2013 says that the government would encourage the OGP National Action Plan, which would be implemented through cooperation among the government, the private sector, and civil society in principle. The words "in principle" and "encourage" made participants uncertain about whether the national action plan had been approved. But a decision of the OGP council during a 16 June 2014 meeting said that the OGP National Action Plan was approved as an appendix. Still, official documents uploaded on the Mongolian OGP official website contain no dates, and every document is marked as "draft."

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[1] Timeline available here: http://www.montsame.gov.mn/en/index.php/politics/item/1725-mongolia-aims-to-join-ogp (in Mongolian and in English)

[2] The OGP recommends at least two weeks as a best practice. However, the IRM researchers consider that the relatively high participation in the consultations indicates that one week was sufficient in this case.

[3] Awareness-raising activities available here: Mongolian Government OGP webpage and video (in English) http://www.zasag.mn/tunshlel

[4] The working group sent this information to the IRM researchers upon request, but these comments are not publicly available.

[5] "IAP2 Spectrum of Political Participation," *International Association for Public Participation*, http://bit.ly/1kMmlYC.

[6] See, for example, http://politics.news.mn/content/153648.shtml.

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[7] The information in this paragraph came from comparing two sources provided to the IRM researchers during their research: written government notes from the process and an audio recording from a participant in the meetings.

[8] *Shine Bulgan* (a newspaper), 02 September 2013, No. 4.

III. Process: Consultation during Action Plan Implementation

No clear structure for ongoing OGP evaluation and cooperation between the government and civil society exists. The OGP National Council has not undertaken this role and has essentially been inactive since adopting the national action plan in June 2014. Further, stakeholders have criticized that the business sector has dominated the representation of civil society in the National Council's structure.

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one. This section summarizes that information for the Mongolian case.

By mid-2014, the Mongolian government was prepared to start implementation of the OGP national action plan by establishing the OGP National Council and its branches. However, the government began to face administrative challenges and then resigned. This understandably had a negative impact on the ministries' and agencies' performance and implementation of the OGP national action plan, even though the former chairman of the Cabinet Secretariat, which is responsible for OGP implementation, became prime minister of Mongolia.

No clear mechanism or structure for conducting external evaluations and cooperation between government authorities and civil society organizations (CSOs) exists. The OGP National Council has not undertaken this role and has essentially been inactive since adopting the national action plan in June 2014. Further, stakeholders have criticized that the business sector's representation has dominated the council's structure, which is a significant step backward considering the relatively wide participation in the development of the action plan.

Civil society organizations organized a meeting on Mongolia's OGP process on 15 January 2015, and on behalf of the government, General Secretary of the OGP National Council Ms. Kh. Oyuntsetseg attended. She made a presentation describing how government authorities implemented commitments of the national action plan in 2014. However, the IRM researcher does not consider this to meet OGP's requirements for a regular, multi-stakeholder forum for ongoing consultation on commitment implementation.[1] Given the importance of collaboration between government and CSOs, multi-stakeholder meetings should be held regularly under the coordination of the Cabinet Secretariat. This informs one of the general recommendations discussed in Section VII.

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[1] More information is available in the "OGP Consultation During Implementation Guidance Note," available at http://www.opengovpartnership.org/sites/default/files/attachments/OGP_Con_dur_imp%20(1).pdf.

IV. Analysis of Action Plan Contents

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Commitments should be appropriate to each country's unique circumstances and policy interests. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP participating countries. The IRM uses the following guidance to evaluate relevance to core open government values:

Access to Information

Commitments around access to information:

- Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;
- Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;
- May include information disclosures in open data and the systems that underpin the public disclosure of data;
- May cover both proactive and/or reactive releases of information;
- May cover both making data more available and/or improving the technological readability of information;
- May pertain to mechanisms to strengthen the right to information (such as ombudsmen's offices or information tribunals);
- Must provide open access to information (it should not be privileged or internal only to government);
- Should promote transparency of government decision making and carrying out of basic functions;
- May seek to lower cost of obtaining information; and
- Should strive to meet the 5 Star for Open Data design (http://5stardata.info/).

Civic Participation

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They should generally seek to "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum (http://bit.ly/1kMmlYC).

Commitments addressing public participation:

- Must open up decision making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors

empowered by government) to inform decision making throughout the policy cycle;

- Can include elements of access to information to ensure meaningful input of interested members of the public into decisions; and
- Often include the right to have your voice heard but do not necessarily include the right to be a formal part of a decision-making process.

Alternately, commitments may address the broader operating environment that enables participation in civic space. Examples include but are not limited to:

- Reforms increasing freedoms of assembly, expression, petition, press, or association;
- Reforms on association including trade union laws or NGO laws; and
- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

The following commitments are examples of commitments that would **not** be marked as clearly relevant to the broader term, civic participation:

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as "access to information");
- Commitments on decentralization that do not specify the mechanisms for enhanced public participation; and
- Commitments that define participation as interagency cooperation without a mechanism for public participation.

Commitments that may be marked of "unclear relevance" also include those mechanisms where participation is limited to government-selected organizations.

Public Accountability

Commitments improving accountability can include:

- Rules, regulations, and mechanisms that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Consistent with the core goal of "Open Government," such commitments, to be counted as "clearly relevant," must include a public-facing element, meaning that they are not purely internal systems of accountability. While such commitments may be laudable and may meet an OGP grand challenge, they do not, as articulated, meet the test of "clear relevance" due to their lack of openness. Where such internal-facing mechanisms are a key part of government strategy, it is recommended that governments include a public facing element such as:

- Disclosure of nonsensitive metadata on institutional activities (following maximum disclosure principles);
- Citizen audits of performance; and
- Citizen-initiated appeals processes in cases of nonperformance or abuse.

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of

formally expressing grievances or reporting wrongdoing and achieving redress. Examples of strong commitments include:

- Improving or establishing appeals processes for denial of access to information;
- Improving access to justice by making justice mechanisms cheaper, faster, or easier to use;
- Improving public scrutiny of justice mechanisms; and
- Creating public tracking systems for public complaints processes (such as case tracking software for police or anti-corruption hotlines).

A commitment that claims to improve accountability, but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change, would **not** qualify as an accountability commitment. See http://bit.ly/1oWPXdl for further information.

Technology and Innovation for Openness and Accountability

OGP aims to enhance the use of technology and innovation to enable public involvement in government. Specifically, commitments that use technology and innovation should enhance openness and accountability by:

- Promoting new technologies that offer opportunities for information sharing, public participation, and collaboration;
- Making more information public in ways that enable people to both understand what their governments do and to influence decisions; and
- Working to reduce the costs of using these technologies.

Additionally, commitments that will be marked as technology and innovation:

- May commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government;
- May commit to supporting the ability of governments and citizens to use technology for openness and accountability; and
- May support the use of technology by government employees and citizens alike.

Not all eGovernment reforms improve openness of government. When an eGovernment commitment is made, it needs to articulate how it enhances at least one of the following: access to information, public participation, or public accountability.

Key Variables

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments that Mongolia included in its action plan and analyzes them for the first year of implementation.

While most indicators used to evaluate each commitment are self-explanatory, a number deserve further detail.

- Specificity: The IRM researcher first assesses the level of specificity and measurability with which each commitment or action was framed. The options are:

- o High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)
  - o Medium (Commitment language describes activity that is objectively verifiable, but does not contain clearly measurable milestones or deliverables)
  - o Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)
  - o None (Commitment language contains no verifiable deliverables or milestones)
- Relevance: The IRM researcher evaluated each commitment for its relevance to OGP values and OGP grand challenges.
  - o OGP values: To identify OGP commitments with unclear relationships to OGP values, the IRM researcher made a judgment from a close reading of the commitment's text. This judgment reveals commitments that can better articulate a clear link to fundamental issues of openness.
- Potential impact: The IRM researcher evaluated each commitment for how ambitious commitments were with respect to new or pre-existing activities that stretch government practice beyond an existing baseline.
  - o To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative each commitment might be in the policy area. This is based on the IRM researcher's findings and experience as a public policy expert. In order to assess potential impact, the IRM researcher identifies the policy problem, establishes a baseline performance level at the outset of the action plan, and assesses the degree to which the commitment, if implemented, would impact performance and tackle the policy problem.

All of the indicators and the method used in the IRM research can be found in the IRM Procedures Manual, available at http://www.opengovpartnership.org/about/about-irm.

One indicator is of particular interest to readers and useful for encouraging a race to the top between OGP participating countries: the starred commitment. Starred commitments are considered to be exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have medium or high specificity.
2. The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of access to information, civic participation, or public accountability.
3. The commitment would have a transformative potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of substantial or complete implementation.

Based on these criteria, the Mongolia action plan contained two starred commitments:
- 3.3.1.3: Transparent Account System
- 3.3.1.6: Mandatory public environmental information

Note that the IRM updated the star criteria in early 2015 to raise the bar for model OGP commitments. Under the old criteria, a commitment received a star if it was measurable, clearly relevant to OGP values as written, of moderate or transformative potential

impact, and substantially or completely implemented. Based on these criteria, the Mongolian action plan would have received three additional starred commitments:

- 3.3.1.8: Disclose procurement contracts above MNT 80 million
- 3.3.2.2: Smart Government program for e-public services
- 3.3.2.6: Public feedback and tracking from the "11-11" Center

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress-reporting process. For the full dataset for Mongolia, and all OGP participating countries, see the OGP Explorer.[1]

General Overview of the Commitments

As previously mentioned, administrative challenges led to the formation of a new government and negatively impacted the implementation of the commitments. Further, there are some differences between the commitments in the 2014–2015 action plan when read in Mongolian (www.zasag.mn/tunshlel) versus in English (http://www.opengovpartnership.org/country/mongolia/action-plan).

Government officials did not provide any explanation for these differences, but for the most part the variation was minor. For example, the institutions listed as responsible for commitments differed both between the different language versions and between the draft and final versions of the plan. In response, and because institutional names in Mongolia change relatively often, in this report the IRM researchers used the institution names (and all other details) from the final, official OGP version of the action plan posted on the Mongolia OGP webpage as of July 2015.

Finally, the period of analysis for this report only covers activity undertaken for the first year of implementation (1 July 2014 to 30 June 2015). A final, end-of-term report will be published that covers the second year of implementation.

Clustering of the Commitments

Mongolia's country action plan is comprised of 21 commitments. The IRM staff and the national researchers clustered the plan into seven thematic groups to facilitate analysis, although they kept the original numbering system from the English action plan:

Group 1: Improving Information Transparency

Group 2: Budget and Financial Transparency

Group 3: Transparency of Natural Resources Use

Group 4: Increasing Civic Participation

Group 5: Improving Public Services

Group 6: Improving Law Enforcement

Group 7: Increasing Public Integrity

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[1] The OGP Explorer provides the OGP community—civil society, academics, governments, and journalists—with easy access to the wealth of data that OGP has collected. It is available at http://www.opengovpartnership.org/explorer/landing.

Group 1: Public Information Transparency Frameworks

3.3.1.1: Monitor and ensure implementation of Information Transparency and Information Access Right Act by establishing National Information Transparency Committee and creating structure of Information commissary.

Draft amendments to Information Transparency and Information Access Right Act and submit to Parliament

Start date: Not specified   End date: 31/7/14

3.3.1.2: Modernize performance indicators of information transparency of public organizations into —"citizen targeted" ones.

Performance indicators of the public Organizations will be transparent.

Evaluate performance indicators and report to OGP National council.

Start date: Not specified   End date: 31/9/14

Lead institutions: Government; Parliament; Civil society organizations

Supporting institutions: None specified

Editorial Note: The IRM researchers clustered these commitments for analysis because they are basic steps for establishing general information access frameworks and systems.

COMMITMENT DESCRIPTION	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.3.1.1: National Information Transparency Committee and Information Commissary			✔		✔		✔				✔			✔		
3.3.1.2: "Citizen-targeted" performance indicators		✔			✔	✔	✔			✔			✔			

What happened?

In June 2009, parliament approved the Law on Information Transparency and Right to Information. The law had four components: activities of government organizations, human resources, budget, and procurement.

In July 2014, parliament amended this law. Specifically, Article 2, Clause 9 (budget transparency) and Clause 10 (transparency of government procurement of goods and

services) were removed, and became part of the new Glass Account Law that was approved in July 2014.[1]

As a result of these laws, citizens can make complaints about any organizations or officials who violate their right to access information and can report these violations to the higher authorities, the National Human Rights Commission of Mongolia (NHRC), or legal courts. In this sense, the NHRC (appointed by and responsible to parliament) is currently performing several responsibilities that an informational commissioner would perform. In addition, according to the Glass Account Law, local bodies like Citizens' Representative Khural,[2] as well as government-auditing organizations can carry out audits at all levels of government, and citizens or legal entities can make requests to government-auditing organizations to carry out evaluations.

However, these changes did not include creating the committee and the commissary that would help guarantee implementation of this law. As a result, the commitment saw limited progress during the period this report evaluates.

Regarding the second commitment, Government Decree No. 143, issued in 14 May 2009, established transparency indicators for all levels of government organizations. These include 30 indicators under four groups: operational transparency and openness, human resource policy transparency, budget transparency, and procurement transparency.[3] Other relevant legal documents, monitoring assessments, and evaluation reports replicate these indicators. However, this activity all predated the action plan, and the modernization of performance indicators into "citizen-targeted" ones saw no real steps towards implementation during the period.

Did it matter?

The Law on Information Transparency and Right to Information requires publishing all information except state secret information and makes government authorities responsible to deliver or reveal information requested by citizens or legal entities within 7–14 days.

But due to unsatisfactory implementation of this law, many other laws and rules have been made afterward, such as the Glass Account Law (described in detail in Group 2 of this section). There have been various public and media discussions and critiques on the lack of implementation of the important Law on Information Transparency and Right to Information.[4] In addition, media and civil society have criticized the transparency indicators for not being well suited to internal monitoring of government organizations.

For example, during the OGP Mongolia stakeholders meeting on 25 September 2015, a NHRC representative said that implementation of the law had been unsatisfactory and since its adoption in 2011 NHRC received only three complaints. This demonstrates two things: that citizens do not believe the system will be effective in helping them find information, and/or that they are not informed about the program.

In this context, the first commitment under this group requires legal decisions from high-ranking state organizations. Further, these are new steps that go beyond the existing mandate of the law, although the commitments do not clearly specify the authority or responsibilities of the high-level enforcement entities. In this way, this commitment could have a moderate potential impact on access to information in Mongolia.

Regarding the second commitment, however, it is unclear what is meant by "citizen-targeted" indicators, and whether the planned reforms would address the previously described criticisms. For that reason, the IRM researcher cannot assume that the commitment would have more than a minor potential impact.

Perhaps reflecting this lack of clarity, during the OGP Mongolia stakeholders meeting on 25 September 2015, an NHRC representative reported that commitments that fall within NHRC's purview were included in the action plan without any consultation with NHRC.

Moving forward

These commitments should be carried forward, and their full implementation should be a continued goal for the government. Public discussions would be useful to explain why it is necessary to establish these institutions and to clarify what "citizen targeted" means and what is most needed in reforming government body transparency indicators. The peer learning mechanism of the Open Government Partnership is one useful resource that the government could employ, for example, to learn about the experiences of creating similar systems in other countries.

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[1] The Glass Account Law: http://www.legalinfo.mn/law/details/10497. See Group 2 in this section for a detailed analysis.

[2] See http://www.khural.mn/en-us/n/8xyy for a detailed explanation of this body.

[3] See http://www.legalinfo.mn/annex/details/2527?lawid=3059.

[4] For example, see this collection of civil society and political leader interviews prepared by the Asia Foundation in 2013, especially p. 41–43: https://asiafoundation.org/resources/pdfs/InterviewsENG.pdf.

Group 2: Budget and Financial Transparency

3.3.1.3: Launch 'Transparent account system' in order to enable consistent, transparent reporting to the public and to provide comprehensive information on budget revenue collection, income and expenditure details, as well as public procurement and investments.

- *Provide comprehensive Information on budget revenue collection, income and expenditure details*
- *Budget proposals, projections used to estimate budget proposals, and additional non-budgetary information used for budget proposals will be posted in a simple format on the government website.*
- *Social benefits provided for public servants will be disclosed and a database of this information will be created.*
- *Performance reports of projects funded by public resources, and ongoing feasibility study summaries will be reported to the public.*
- *Collection and spending of non-budgetary income such as charities, financial assistances donated by personnel, local councils, will be reported to the public.*
- *Improve transparency in Central and local government special funds, and create a citizen monitoring system.*

Start date: Not specified   End date: 31/12/15

3.3.1.7: Disclose information to the public relating to foreign loan assistance projects and programs, including the total amounts, terms, payback duration and general provisions related to the loan rate, board members, and implementation bodies. Information about the terms of implementation of the projects as well as general conditions of contracts between suppliers and buyers shall be disclosed as well.

Start date: Not specified   End date: 31/12/15

3.3.1.8: Disclose budget funded procurement contracts above 80.0 million MNT.

Start date: Not specified   End date: 31/12/15

Lead institutions:	Government; Cabinet Secretariat; Civil society organizations; National Auditing Committee; Ministry of Finance; Public Procurement Authority; City mayor and local governors
Supporting institutions:	None specified

Editorial Note: The IRM researchers clustered these commitments for analysis because they each address key topics and systems for financial and budgetary transparency.

Commitment Description	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
✪ 3.3.1.3: Transparent account system				✔	✔		✔	✔				✔			✔	
3.3.1.7: Foreign loan assistance projects				✔	✔							✔		✔		
3.3.1.8: Procurement contracts above MNT 80 million				✔	✔						✔				✔	

Note: Commitment 3.3.1.3 is a starred commitment because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented. Under the old criteria of starred commitments, Commitment 3.3.1.8 would also have received a star, but the IRM updated the star criteria in early 2015 to no longer include moderate potential impact.

What happened?

The Parliament of Mongolia adopted the Glass Account Law on 1 July 2014. It entered into force on 1 January 2015. This law obliges all government agencies and legal entities with state involvement to provide budgetary information to the public. For example, it requires that government agencies provide 28 types of information: 15 should be reported by filling in approved forms and another 13 should be reported as copies and scanned files. These disclosures occur at certain monthly, quarterly, and yearly periods. For instance, budget plans and performance reports should be reported through a Glass Account website within a certain period of time after these documents are produced, and decisions regarding income and expenditure transactions over MNT 5 million (except civil servants' salaries) should be reported through the Glass Account website seven days after decisions are made.

The integrated, transparent account system of the state budget, the subject of the first commitment, is the main platform to make information available to the public. Two consultative meetings were held on the system, one in December 2014 and a second in May 2015. This second meeting was held on 15 May at the Great Hall of the Government House and focused on the "Implementation of the Glass Account Law." The Office of the President co-organized this event with the Mongolian National Audit Office, the Ministry of Finance, and the Open Society Forum. According to the government audit of the implementation of the Glass Account Law, 5,617 state and local authorities out of 5,804 total had reported their general budget information in the integrated system, a 96.8% reporting rate.[1] The Internal Audit of the City Council announced that the implementation process of the Glass Account Law was 98% for the municipal authorities as of the first half of 2015.[2]

Mongolian civil society conducted an independent evaluation of the law's implementation from January to July 2015. The Open Society Forum, in cooperation with other NGOs, monitored implementation in nine districts of Ulaanbaatar City, all 21

provinces, and 52 *sum* governments. They found an increase in information disclosed on procurements, incomes and expenditures as well as relevant news and decisions.[3]

According to the law, the integrated system must be fully operational before 30 June 2016. Thus, the IRM researchers consider the first commitment in this group to be substantially complete. The end-of-term report will cover whether the commitment is finally, completely implemented.

Regarding the second commitment, there was previously no government structure or system to make foreign loan and aid information officially available to the public. On 18 February 2015, Mongolia adopted the Law on Debt Management. In an interview with IRM researchers, the head of the Debt Management Department of the Ministry of Finance reported that, in response to the law, the department has been developing a data system for all loans, aid, and implemented projects received by the government since 1992. According to this civil servant, the system development is almost finished. It is planned to be operational and available to the public after locating and consolidating information for around six months. For projects being currently implemented, units of those projects will input their information into the system. The IRM researchers consider this as limited implementation of the commitment.

Budget-funded procurement contracts above MNT 5 million (~US$2,500) will have to be disclosed from 1 January 2016 according to the Glass Account Law. (Note that the amount MNT 80 million described in this commitment is not mentioned in the Mongolian version of the action plan.) This is a substantial implementation of the commitment.

Did it matter?

A lack of budget and financial transparency and accountability has been a key challenge to the efficiency of Mongolia's public investments. Indeed, a 2013 World Bank analysis reported weak regulatory frameworks, opaqueness, political interference, parliamentary "pork-barrel" projects, and limited project appraisals and monitoring as key problems for the sector.[4] The commitments in this group all aim to address this topic through the open government lens.

The Glass Account Law of 2014 is the main result of much effort on the part of the Mongolian government since 2009 regarding budget and financial transparency. It is the start of a new mechanism to make government budget information available to the public through the coordination and integration of past laws and rules. The Open Society Forum and other civil society organizations have long advocated for increased budgetary transparency, so this law's implementation is a key priority for them. Given the previous status quo in Mongolia, in which many of the characteristics of budget transparency included in the Glass Account Law were unevenly or ineffectively enforced, the transparency that this new system could achieve has the potential to be transformative.

The second group in this commitment is also very important. Currently, Mongolia's gross external debt stands at over US$20 billion, according to the Mongolian Central Bank.[5] Further, Mongolia received a large portion of those loans in only two years, from 2013 to 2015. Repayment will start from 2017, massively burdening the state budget.[6]

According to the "Citizens Monitor the Budget" network (tusu.mn), loan registration and monitoring processes have often been very unsatisfactory or insufficient, and some projects' key information is missing. Criticisms particularly focus on the "double-budgeting" system, whereby loans and government bonds managed by the Development Bank of Mongolia have been accounted separately from the government budget. This situation made it impossible to guarantee responsibility for those projects. Thus, this

new data system will be very significant for all projects and programs funded by these loans—a potentially transformative impact.

Finally, prior to the changes with the Glass Account Law, it was common not to reflect important procurement data like financing schedules appropriately. This weakened or prevented accountability. For instance, after a company was selected through the tender process, it was common to delay or postpone construction work without anyone being held personally responsible. As a first step, then, making procurement contracts available to the public has a moderate potential impact. A more transformative change would be to create specific mechanisms of public accountability and go beyond the transparency that is the focus of this commitment.

Moving forward

Based on the Glass Account Law's first few months of implementation, fully applying and guaranteeing implementation of every article of the law is more important than beginning to plan amendments or changes in the law. Indeed, these commitments will only be fully completed, and their immediate potential effects understood, once the law is fully and effectively implemented.

However, at a later stage, some changes can be made to the Glass Account online system. For example, it could be more tailored to specific characteristics of government authorities; as it is now the same menu applies for state-owned companies and local government authorities. Also, it should be classified by sectors and administrative levels, such as municipal, district, and provincial.

Lowering the minimum budgetary level subject to transparency from MNT 5 million to MNT 1 million could be considered. A lower limit would be especially relevant to local governments, where many daily transactions are far below MNT 5 million. Taking it a step further, the law could allow for a variable minimum amount, depending on the level of government.

Given the historic and impending budgetary effects of loan repayment, the next action plan should especially focus on transparency and accountability on this topic. It should continuously make information regarding "Chinggis" and "Samurai" bond (the two largest, most recent central government bond issues) spending available to the public. It is necessary to create monitoring structures for the public to guarantee accountability in the sector.

As well, foreign aid could be a target area for transparency measures. The OGP secretariat can provide, upon request from the government, support and opportunities for collaboration with multilaterals and OGP participating donor countries that have made aid transparency commitments in their action plans.

Finally, more work is needed on the specific issue of contracts. This topic is addressed in more detail in the Country Context section of this report.

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[1] The General Auditor of Mongolia, Mr. Zangad A., cited this number in his presentation "Progress Report Regarding Implementation of the Glass Account Law in First Quarter of 2015." Additional information on the second meeting is available here: http://www.audit.mn/?p=2736.

[2] The head of Internal Auditing in the City Governer's Office cited this number in his presentation about the examination of the Glass Account Law in the first half of 2015, during the Executive Officers' meeting of the City Governer's Office on 28 August 2015.

[3] For more information see the infographic (in Mongolian) at http://forum.mn/index.php?sel=project&menu_id=398&obj_id=5073.

[4] *Mongolia: Improving Public Investments to Meet the Challenge of Scaling Up Infrastructure*, World Bank Poverty Reduction and Economic Management Sector Unit East Asia and Pacific Region, January 2013: http://bit.ly/1LwQpvf.

[5] For more information see here: http://www.mongolbank.mn/eng/liststatistic.aspx?id=4_3.

[6] L. Gangeral, "The New Debt Management Law and Related Issues," *Mongolian Economy*, 12 August 2015: http://www.mongolianeconomy.mn/en/b/8330.

Group 3: Transparency of Natural Resources Use

3.3.1.4: Develop central information database of minerals, oil, and land tenure license owners, open to the public. Disclose general information on Special Licenses of minerals, oil and Land tenure ownerships.

Start date: Not specified   End date: 31/12/15

3.3.1.5: Ensure transparency all agreements on investment, stability and production-sharing of public-owned resources such as water, minerals, oil and land. Make contracts public on investment, stability and production sharing of public-owned resources such as water, minerals, oil and land.

Start date: Not specified   End date: 31/12/15

3.3.1.6: Publish list of mandatory public information on environment such as information regarding any action harmful to natural environment and people's health.

Publicly disclose the list of companies and legal bodies.

Start date: Not specified   End date: 31/12/15

Lead institutions: Cabinet Secretariat; Ministry of Mining; Mineral Resource Authority; Ministry of Environment and Green Development; Nongovernmental organizations

Supporting institutions: None specified

Editorial Note: The IRM researchers clustered these commitments for analysis because they all address transparency and access to information, specifically in the natural resource sector.

COMMITMENT DESCRIPTION	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.3.1.4: Minerals, oil, and land-tenure database			✔		✔			✔				✔		✔		
3.3.1.5: Transparency in use of public-owned resources				✔	✔							✔		✔		
✪ 3.3.1.6: List of mandatory public environmental information				✔	✔							✔			✔	

Note: Commitment 3.3.1.6 is a starred commitment because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented.

What happened?

Mongolia has not created a general database for mineral, oil, and real estate ownership licenses so far. This information is released separately though certain state administration offices. For example, mineral licenses and registrations are under the responsibility of a government agency called the Mineral Resource Authority, which shares license information through their website http://cmcs.mram.gov.mn/cmcs#cid=1. The Petroleum Authority of Mongolia is responsible for petroleum licenses, and so forth.

Currently, the Mineral Resource Authority is collaborating with the National Data Center to transfer the license database into an online database center. In 2014, the Mineral Resource Authority implemented a computerized mining registry system within the framework of the World Bank's "Governance Support Project."[1] The system was an important step toward the establishment of an integrated database, but the results are not yet visible to the public. Completion of this commitment was therefore limited.

Regarding the second commitment, some foreign investment and major stability agreements are now transparent. For example, the most significant mining investment and stability agreement, for the Oyu Tolgoi mining megaproject, was opened up to the public in 2014. But other types of natural resource contracts, especially the oil production-sharing agreements, have remained closed due to arguments over business confidentiality. According to the newly amended Article 36.1, Chapter 8 of the Law on Petroleum (2014), certain information about oil and nonconventional oil exploration- and exploitation-related investment, royalties, and product-sharing agreements between state administrative bodies and contractors should be shared through mass media every first quarter of the following year. This includes many different points of information, such as yearly investments, expenses, payments for resource usage, and the amount of oil exploration. Additionally, the law mandates tracking taxes—sales, state, and local—related to oil production. However, this law has not been enforced to date.

Finally, the third commitment is substantially complete overall. First steps are being made toward transparency in environmental information. The Minister of the Environment declared 2014 as "a year for environmental information transparency," which received public attention.[2] In March 2014, the board members of the Environmental Information Administration were re-elected and its operational procedures were re-adopted by order of the Ministry of Environment, Green Development, and Tourism. In September 2014, the local and state authorities responsible for centralization of data collection were required to input missing information into the environmental-integrated database (www.eic.mn). This online database currently holds 22 different datasets, including commitment-specified ones like pollution. However, the researchers found no information on the more vague second part of the commitment on lists of companies.

Did it matter?

In recent years, responsible governance of natural resources has become a matter of urgent importance for Mongolia. The country holds an impressive wealth of mineral resources—such as coal, copper, and gold—estimated to value between US$1 trillion and US$3 trillion. As a direct result of exploiting these resources, Mongolia's economic growth averaged 9% from 2005 to 2015.[3] But as another direct result, demand for public resources such as water is quickly outstripping the supply.[4]

In this context, the transparency of mineral licenses became one issue of significant public interest. For many years, gold mining licenses were issued without an effective or open government policy and without consideration for local community interests. This led to numerous social conflicts over environmental issues.[5] Thus, in 2009, the Law on

Prohibiting Mineral Exploration and Extraction Near Water Resources, Protected Areas and Forests (locally known as the Law with Long Name) was adopted, and in 2010 the president of Mongolia stopped the issuance of general mineral licenses. In his public speech on 5 April 2014, Prime Minister of Mongolia Ch. Saikhanbileg explained how local citizens tend to have negative attitudes toward mining because it has huge negative impacts on the environment: "Recently 130 requests regarding special licenses of exploration were sent to local authorities for getting approval. But only 30 requests got their approval and 100 requests were declined. This shows us we have some defects in our system. Local people have no interest to support any exploration in their living area."[6]

However, these restrictions have been lifted since 1 January 2015, and officials have been issuing massive numbers of mineral licenses, amid problems and allegations of corruption and favoritism.[7] The licenses that are now being re-issued extend far beyond gold and include petroleum, uranium, minerals, land ownership for households and land for agricultural activities. Therefore, the problems are likely to become even more complicated in the future.

Similar issues exist with investment, stability, and production-sharing agreements. In recent years, some agreements became transparent to the public as a result of a flourishing social debate over stability agreements for large mining projects, such as the Oyu Tolgoi project,[8] but others remain closed or insufficiently transparent.[9]

One immediate step toward improving these problems is to have a public database and other sources of public disclosures. Transparent agreements, licenses, and environmental information would allow stakeholders to review the efficient, fair, and legal use of public property and natural resources by government officials. The commitments, therefore, could have a transformative potential impact on the policy area.

These commitments are also relevant in the context of Mongolia's participation in the Extractive Industry Transparency Initiative (EITI). Mongolia became EITI compliant in October 2010 and has since published eight fiscal years of information. Its most recent EITI report came in 2013, and the next is due for publication shortly after the publication of this progress report. The Country Context section details this process.

Moving forward

Mongolia's vast territory, sparse population, and natural resource wealth and dependence mean that the process of improving governance in the environmental sector, which began when the country shifted to a market economy, must continue. The IRM researchers recommend that this topic remain one of the principal priorities of the Mongolian government in its next OGP action plan.

Some key next steps include:

- Completing the databases and systems in this group of commitments;
- Fully implementing existing laws in the sector;
- Supporting and collaborating with the STRIPE (Strengthening the Right to Information for People and the Environment) project.[10] In this initiative, since 2014 civil society organizations (including the IRM researchers' host organization, Transparency Foundation) have started to develop a list of mandatory public information on the environment and its standards;
- Taking care not to overly rely on digital transparency and including methods of sharing information with affected communities in ways that are most accessible to them, especially in rural areas; and

- Recognizing, replicating, and enforcing best practices for private company disclosures to and partnerships with affected communities. For example, in response to community pressures and civil society campaigns, Rio Tinto, the company with the largest stake in the Oyu Tolgoi operation, "installed sensors in over 30 wells in the area and has trained local herders in their use, promising them real-time data on water levels."[11] While criticisms of the project of course remain, this type of direct information sharing should set the bar for other companies and operations.

Finally, stakeholders should consider whether to take up the more difficult, wider issue of professionalizing and standardizing land-ownership and land-distribution registration. The national database and registry system established by the government could be useful as a first step, but stakeholders may decide to fully implement more pressing environmental commitments like those identified here. Such implementation could then lead to the larger land-use challenge.

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[1] For more information visit: http://cmcs.mram.gov.mn/cmcs#cid=1.

[2] "2014 ОНЫГ БАЙГАЛЬ ОРЧНЫ МЭДЭЭЛЛИЙН ИЛ ТОД БАЙДЛЫН ЖИЛ БОЛГОЛОО," *Байгаль орчин, ногоон хөгжил, аялал жуулчлалын яамны*: http://www.mne.mn/mn/261.

[3] P. Gupta, B. Grace Li, and J. Yu, "From Natural Resource Boom to Sustainable Economic Growth: Lessons for Mongolia," *IMF Working Paper 90*, April 2015: https://www.imf.org/external/pubs/ft/wp/2015/wp1590.pdf.

[4] O. Balch, "Mongolia's water scarcity could threaten its economic boom," *The Guardian*, 28 February 2014: http://bit.ly/1hIjSPn.

[5] For an extensive survey, see: Dalaibuyan Byambajav, "Mobilizing against Dispossession: Gold Mining and a Local Resistance Movement in Mongolia," *Journal of the Center for Northern Humanities* 5, (2012): 13-32.

[6] "Монгол Улсын Ерөнхий сайд Ч.Сайханбилэгийн олон нийтэд хандаж хэлсэн үг", 5 April 2015 http://zasag.mn/news/view/9268.

[7] Terrence Edwards, "Whiff of corruption hangs over Mongolia's mining license auctions," *Intellinews*, 17 March 2015: http://bit.ly/1NXMBhS.

[8] Amir Shafaie, "Rio Tinto, Mongolia, and the Art of Negotiating Amidst Price Volatility," *Natural Resource Governance Institute*, 24 June 2015: http://bit.ly/1GTYbda.

[9] For a wider overview that also includes Mongolia, see "Natural Resource Contracts as a Tool for Managing the Mining Sector," *German Federal Ministry for Economic Cooperation and Development*, http://www.bmz.de/g7/includes/Downloadarchiv/Natural_Resource_Contracts.pdf.

[10] See http://www.accessinitiative.org/event/2015/06/stripe-partners-meeting for more information.

[11] Balch, "Mongolia's Water Scarcity."

Group 4: Increasing Civic Participation

3.3.2.1: Ensure civic engagement in planning and developing public services at central and local levels by introducing communication channels such as organizing e-conferences, public hearings, and open meetings.

Start date: Not specified   End date: 31/12/15

3.3.2.6: Report public feedback on government performance received from the Government's "11-11" center. Increase the number of 'Public Service online' machines up to 273 at each local level and increase the Amount of content. Government will also establish a data system that responds to and tracks petitions and enquiries.

Start date: Not specified   End date: 31/12/15

3.3.3.5: Create regulation that repeals decisions made without due participation of citizens and contradict public interests, as well as hold the officials at fault accountable.

Start date: Not specified   End date: 31/12/15

3.3.3.7: Strengthen the capacity of citizens by implementing certain projects to enhance legal knowledge of target groups using simple language.

Start date: Not specified   End date: 31/12/15

Lead institutions: Cabinet Secretariat; Ministry of Justice; All ministries; Provincial *aimags* and governors; Information Technology, Post, and Telecommunications Authority; City mayor and governor

Supporting institutions: None specified

Editorial Note: The IRM researchers clustered these commitments for analysis because they each involve guaranteeing, streamlining, and building capacity for civic participation. The part of commitment 3.3.2.6 about public service e-machines will be addressed in Group 5 since it overlaps with a different commitment.

Commitment Description	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.3.2.1: Civic engagement in public-service planning			✔			✔		✔			✔			✔		
3.3.2.6: 11-11 Center and data system for petitions				✔	✔	✔	✔	✔			✔				✔	
3.3.3.5: Regulation to repeal decisions made without due participation			✔			✔	✔					✔		✔		
3.3.3.7: Legal knowledge capacity building		✔			✔	✔				✔				✔		

Note: Under the old criteria for star commitments, Commitment 3.3.2.6 would have received a star, because it is measurable, clearly relevant to OGP values as written, of moderate or transformative potential impact, and was substantially or completely implemented. The IRM updated the star criteria in early 2015 to no longer include moderate potential impact.

What happened?

Some progress has been made on the first commitment to ensure public participation in the drafting of any decision issued by the government:

- The 2011 Information Transparency and Right to Information Act, updated with the July 2014 Glass Accounts Law described in Group 2, includes an article stating that a "new policy document and draft resolution on universal norms should be displayed on websites for at least 30 days in order to [receive] suggestions of governmental and non-governmental organizations, professional experts, scholars and public opinion."
- On 8 July 2015, a few days outside the scope of this report, the parliament adopted the Law on Public Hearing, which is an important step in providing a legal basis for holding public hearings on draft policies. Government activity subject to this law includes that of the supreme body of state authoritative activity as well as local political and administrative units.

However, actual implementation of these requirements has been sporadic, which makes for limited completion of the commitment. For example, on 7 August 2015, the Economic Transparency Law,[1] which encourages individuals and companies to declare hidden assets, was adopted through an open parliamentary discussion. But a few days later, on 11 August 2015, the Legal Standing Committee held a closed session during the final discussion of a "draft law on amnesty" (discussed in more detail in the Country Context section) and, later that same day, approved the law.[2]

Regarding the second commitment, the government's "11-11" Center has operated continuously since 2014 in different regions of the country. The center registers community feedback such as criticism, complaints about e-service machines, and issues with websites. The center collects this feedback through telephone calls or in-person interactions with representatives or public service online machines, and then transfers the information to relevant government bodies for further action, including direct calls or messages back to citizens.[3] The government has repeatedly reported that the center has been successful, although the IRM researchers could find no independent verification or evaluation of this.

In 2014, the center registered more than 41,960 public feedbacks, and as of 1 July 2015 it had received 80,000 complaints or suggestions, according to the record list publicly available online.[4] This system does not readily allow users to track the government's response to complaints, although it does provide complete access to the complaints themselves, including recordings of the telephone calls.

Therefore, the IRM researchers consider completion of this commitment to be substantial, leaving the analysis of the public services online machines for the next group, which duplicated that activity. However, since the beginning of 2015 the effectiveness of the center has been weakened. After the government upheaval in November 2014, the center continued to operate as usual in terms of receiving complaints, but ministers and heads of government agencies stopped providing direct answers or replies to the citizens according to the fixed schedule. Also, "11-11" Center activities have not been evaluated since then.

On the third commitment in the group, no regulation has been made that would cancel state decisions that do not take public opinion into account, or that would impose sanctions on responsible government officials. The ministry reported that the draft General Administrative Law included an article to this effect, but the final version does not include any such principle. Even though the President of Mongolia, Ts. Elbegdorj, regularly promotes this principle in his speeches, the commitment achieved limited completion during the period.

Finally, regarding the fourth commitment, it is common to have workshops and seminars in which some services are offered, such as introducing laws, legal consultations, receiving complaints and opinions, and state registration. The Ministry of Justice organized a total of 53 legal awareness trainings and promotions in 2014, but the information for 2015 was not available at the time of writing this report.[5] Some training programs and discussions of newly enacted laws and draft law projects were organized regionally and locally. But most of these were aimed at local government officials, not citizens as the commitment specified.[6]

Many international, nongovernmental organizations have implemented projects and programs for this goal. Particularly, they prepare and publish easily understandable handbooks, booklets, or posters on newly adopted laws, rules, and regulations. For example, within the framework of the Active Participation and Public Engagement for Accountable Localities (APPEAL) project, implemented by Mercy Corps USA, the Mongolian Independent Authority Against Corruption published a handbook named "Baadai and his family" which simplifies a law on the prevention of conflicts of interest in public service.[7]

Still, government activity specifically aimed at expanding citizen knowledge during the period was limited.

Did it matter?

These commitments were formed in a context of varied opportunities for participation. According to the 2001 law on submitting draft laws of and other decisions of the State

Great Hural (Mongolia's parliament), the full version of a draft law must be online for no fewer than 10 days, giving the public a chance to review it. This law will be replaced in February 2016 with a revised version adopted on 29 May 2015. Proposed draft laws were placed on parliament's official website, particularly in the section of "law adopting activities—proposed legislation." This section includes not only proposed legislation but also relevant additional information, such as introduction of draft laws, principles, research, inquiries, calculations, etc.[8] The website of the Ministry of Justice also contains proposed legislation, disclosing important draft laws and their introductions and principles.

However, direct citizen participation has not been common but has had a rather sporadic nature. Depending on media coverage and public perceptions of the importance of the laws, some laws receive many comments, while others receive none. Further, if there are comments, there is no clear procedure to deliver those comments to parliamentarians and policymakers.

Given this context, what is the potential impact of these commitments?

- The first commitment builds on previous obligations to involve and consult with citizens and seeks to implement those previous obligations. In that sense, the commitment would have a moderate potential impact, were it successful.
- The second commitment's most ambitious part seems to be the petition and enquiry tracking system, since the "11-11" Center has existed since 2012. Although this system is not explained as clearly as it could be, by giving citizens a way to interact more directly with the government on public service provision and guaranteeing feedback on citizens' concerns, it could have a moderate impact on improving service provision.
- The third commitment is a potentially transformative change that would guarantee that laws receive their due participation. But it is not clear that the way the commitment is designed is the most practical or that it is good policy. It could create a situation of extreme confusion where policies are approved and then rejected and stakeholders cannot be sure which laws are in force.
- For the fourth commitment, while the IRM researchers consider such capacity building to be a good idea, the wording was too vague to establish the potential impact beyond a positive, minor step forward. The commitment did not specify which projects would be implemented or which groups would be targeted.

Moving forward

First, the government should fully implement these commitments. If they need to be extended into future action plans, they should be made clearer and more focused.

Then, it is time to evaluate the last two years of operation and discuss how to improve this service with stakeholders. The "11-11" Center system at both the central and local level should be further developed, and research on the effectiveness of petitions and citizens' perceptions should be carried out.

The possible exception would be the regulation to repeal policies that did not consult sufficiently. Perhaps a less burdensome requirement for the policymaking structure of Mongolia would be to require policies to show that citizens were sufficiently consulted *prior* to their approval. This would prevent confusion from passing and repealing policies and would be more effective at guaranteeing participation *before* a policy is designed or a decision is made, since repealing and consulting after the fact may result in ineffectiveness.

[1] Available at: http://www.legalinfo.mn/law/details/11269?lawid=11269.

[2] For more information see: http://www.parliament.mn/news/open/categories/2453/pages/24013.

[3] The IRM researcher personally tested this service for a few different processes during the reporting period and confirmed this information.

[4] Available at: www.11-11.mn.

[5] This information comes from the Ministry of Justice Activity Report 2014, available at www.moj.gov.mn (no permanent link).

[6] This information comes from the Ministry of Justice Activity Report 2014, available at www.moj.gov.mn (no permanent link).

[7] ""Баадай болон түүний гэр бүл" нийтийн албанд нийтийн болон хувийн ашиг сонирхлыг зохицуулах, ашиг сонирхлын зөрчлөөс урьдчилан сэргийлэх тухай хуулийн хялбаршуулсан гарын авлага", May 2015: http://www.iaac.mn/content/508#.Vh9obX4rK00.

[8] Available at: http://www.parliament.mn/laws/projects.

Group 5: Improving Public Services

3.3.2.2: Launch "Smart Government" program, for delivering e-public services to the people regardless of distance and location through the public service portal.

Start date: Not specified   End date: 31/12/15

3.3.2.3: Create a single access public service for citizens without requiring supplementary state registered data, based on principles of "One citizen-One public servant".

Start date: Not specified   End date: 31/12/15

3.3.2.4: Improve and develop smart e-service capability for "One window-public service" and introduce it as a standard unit of public service.

Start date: Not specified   End date: 31/12/15

3.3.2.5: Increase number of "Public service online machines" at local levels for delivering public services to individuals in remote areas, as well as increase the content of its data.

Start date: Not specified   End date: 31/12/15

3.3.3.6: Deliver the draft laws, acts, amendments and administrative rules to public attention in due time. In particular, create an opportunity for people to access such information from "Public Service Online Machines", Citizens Chambers, and the public libraries at each provincial level.

Start date: Not specified   End date: 31/12/15

Lead institutions: Cabinet Secretariat; Information Technology, Post, and Telecommunications Authority; Public service and public administration authorities

Supporting institutions: None specified

Editorial Note: The IRM researchers clustered these commitments for analysis because they all address public service delivery and access. Also, the updated English version of the national action plan is missing a separate Commitment 3.3.2.5, but does contain the same activity as part of that group.

Commitment Description	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.3.2.2: Launch Smart Government e-public services program			✔		✔			✔			✔					✔
3.3.2.3: Single access public service		✔			Unclear relevance					✔			✔			
3.3.2.4: One window public service			✔		Unclear relevance					✔			✔			
3.3.2.5: Local public service online machines				✔	✔			✔			✔			✔		
3.3.3.6: Enable access to draft law at local public-service centers				✔	✔			✔				✔	✔			

Note: Under the old criteria for star commitments, Commitment 3.3.2.2 would have received a star because it is measurable, clearly relevant to OGP values as written, of moderate or transformative potential impact, and was substantially or completely implemented. The IRM updated the star criteria in early 2015 to no longer include moderate potential impact.

What happened?

Smart Government

On 16 November 2013, President Ts. Elbegdorj announced the "Big Government to Smart Government" initiative. The project's activities for 2015–2020 consist of four general sections: creating mechanisms to enhance citizen participation, developing the base of smart government, creating an open data center, and using technological advances in project management and organization to improve efficiency and transparency of government services. Some specific goals within these categories include fast online information sharing, decreasing inequality of civil technology use, and improving efficiency of the government hotline service.

The government took several important steps toward implementing this initiative during the period analyzed. Specifically, on 8 June 2015, parliament ratified a US$17.9 million Smart Government project financed by a soft loan agreement. The total project cost is US$20 million.

Therefore, the Smart Government program has been launched, completing the commitment. However, it is too early to assess the program's results.

Single Access and Single Window for Public-Service Centers

There are one-stop service centers operating in the capital city, all districts, and other provinces. These local administration buildings house e-service machines and public

servants providing services like national registration, customs, social insurance, banking, finance, and notarization. However, many services require contacting a separate state official or navigating a separate electronic system. Thus, one of the action plan's goals is to provide citizens with access to other services via the same government officer / electronic system, at the same time. However, the IRM researchers found no evidence of progress on transferring ordinary services to single-access services or single-window e-government services.

Local Public Services Online

The government-services e-machines (GSEM, also known as public service online machines or fast service machines, ТУЦ машин) opened to the public on 19 June 2013. The GSEM are online terminals located in heavily populated areas of cities and local provinces and connected to the integrated database system of government authorities.[1] The use of services provided by the e-machine continuously increased from the beginning of 2014, as measured by the number of users reported at datacenter.gov.mk.[2] According to the representative of the Mongolian National Datacenter, whom the researchers interviewed, as of 1 July 2015 there were a total of 104 machines throughout Mongolia. Seventy-four are located in Ulaanbaatar, and 30 are located in local provinces.

Currently, six types of civil registration documents and four types of General Customs Authority-related documents can be obtained from this e-machine. Additionally, utility payments and daily newspaper subscription services are available in some areas. In the future, the government plans to include mobile operator services, cable and IP television services, and other agency information.[3]

The Cabinet Secretariat and the Human Security Policy Studies Centre (HSPSC) agreed to introduce online, one-window services at the *soum* and *khoroo* level in the national action plan of 2014–2015. But no information was found regarding any activities.

Given the above, the IRM researchers consider this commitment to have limited implementation during the first year.

Though outside the specific commitment, a more general system for online access to public services, www.ezasag.mn, started its operation in April of 2015. Twenty-five types of services are currently provided on this website, and 32 government organizations have approved a total of 167 future services for the e-system.

Local Access to Draft Laws

Prior to this commitment, parliament and other ministries displayed draft laws, regulations, acts, and public rules on their websites, in accordance with the previously cited law. In addition, parliament sometimes sent newly drafted laws and common legal acts to ministries, agencies, local government authorities, and other government project units for feedback. However, during the first year of implementing this action plan, the IRM researchers found no discussion or evidence of improvements to consultation timeliness or transparency through GSEM, Civic Halls, or local public libraries.

Did it matter?

It was very relevant for the government of Mongolia to include public service-related commitments. As the Open Government Guide explains, "Public services provide the most common interface between people and the state, and their functioning shapes people's sense of trust in and expectations of government. At a national level, public services underpin human welfare and economic growth."[4] Furthermore, in the

particular case of Mongolia, electronic access to services is important because it provides people who may not have stable internet access in their homes a centralized location to access services and information about government services. This is particularly relevant when considering that Mongolia has one of the lowest population density rates in the world,[5] although it has been rising according to recent censuses.[6]

In terms of access to laws and regulations, as mentioned in previous sections, parliament has passed and implemented laws to create a somewhat successful status quo. According to the Law on Submitting the Draft Laws of Mongolia and Other Decisions of the State Great Hural (2001), proposed legislation and subsequent documents should be on parliament's website "not less than 10 days for a purpose of introducing them to the public." The Law on Information Transparency and Right to Information, adopted in 2011, requires placing "any policy document or draft decision that establishes public norms on its website in an easily understandable manner not less than 30 days, to receive comments and proposals from the relevant governmental and non-governmental organizations, professional experts, scholars and citizens, and to incorporate the proposals if deems grounded." Implementation of this article has been sporadic;[7] civil society participation on laws has tended to focus on a few major laws or changes, such as the Glass Account Law and the Amnesty Law.

Based on this context, the potential impact of each commitment is as follows:

- Smart Government is moderate. The commitment was only to launch the initiative, which was a moderately ambitious task that the government did complete. The initiative itself is a long-term, major project that could have a larger impact on various dimensions of public-service access, participation, and access to information. Its effective implementation over time will determine the initiative's true potential impact.
- Single Access and the Single Window are both low. While it is a positive step forward to centralize and make services more effective, decreasing the number of civil servants a citizen has to interact with is not a major improvement for public-service access. Furthermore, although it does not affect their potential impacts, it is worth pointing out that these two commitments did not include any element of clear relevance to open government. While they seek to improve public services, they do not clearly seek to make them more transparent, participatory, or accountable.
- Expanding GSEM would be a moderately impactful change. The GSEMs are very important for Mongolians' access to public services. Before the GSEMs, citizens had to spend much time waiting in line. But more significantly, expanding the amount of content and information that citizens can access through these machines would have a significant effect on those citizens. This is especially relevant given low rates of Internet penetration in Mongolia.[8] Further, by seeking to expand the amount of information about government and government services available through these machines, this commitment made its relevance to OGP values clearer.
- Access to draft laws is moderate. While existing laws require that newly drafted and introduced laws are open to the public, giving citizens the opportunity to discuss them, implementation of these processes has often been lax. Furthermore, the current practice of distributing brochures that only cover selected articles or parts of draft laws is insufficient. Therefore, a commitment to fully implement existing laws and expand access would be a significant positive change.

Moving forward

The IRM researchers recommend fully implementing the e-service commitments, although only those with clear relevance to open government should be included in future action plans. They also recommend the following specific next steps for the commitments above to boost their potential impact and clear relevance to open government:

- Locate information regarding draft law process in the "integrated legal information system" of Mongolia—www.legalinfo.mn.
- Redevelop a methodology for introducing legal explanations and understanding that is based on the Mongolian language and social atmosphere while also taking into account international best practices.
- In most cases, relevant research, background information, and documents are not inserted together with laws, and there is no mechanism such as separate menus for ordinary citizens to express their opinions regarding certain chapters or articles of draft laws before adoption. This is a prime area of focus for the next action plan.

Finally, the government and stakeholders should consider whether it is appropriate (given capacity issues, for example) for Mongolia to begin moving beyond access to information about public services to more participation in their design and monitoring. This would be an area of high potential impact for including relevant open government commitments around public services. CIVICUS's Participatory Governance Exchange program, and particularly its toolkit for participatory monitoring and evaluation of public services, could provide some basic tools to begin this process.[9]

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[1] "ТӨРИЙН ҮЙЛЧИЛГЭЭНИЙ ЦАХИМ МАШИН БУЮУ ТҮЦ МАШИНЫ ТУХАЙ СОНИРХОЛТОЙ УЗҮҮЛЭЛТҮҮД", 28 August 2014: http://itpta.gov.mn/new/?p=7321.

[2] The site went offline before the researchers could get specific, up-to-date numbers, but their previous consultations of this site demonstrated this trend.

[3] Available at: http://tutsmashin.mn/.

[4] Open Government Guide, The Access Initiative: http://www.opengovguide.com/topics/public-services/.

[5] A rough measure of population density can be compared using, for example, the data in the United Nations Department of Economic and Social Affairs/Population Division. *World Population Prospects: The 2015 Revision, Key Findings and Advance Tables,* available at http://bit.ly/1Munrdx. According to publicly available lists that calculate and compare countries' densities, only a few other territories have population densities lower than Mongolia's, such as Greenland and the Falkland Islands.

[6] "Mongolia has launched the main findings of its 2010 Population and Housing Census," United Nations Population Fund, 17 July 2011: http://bit.ly/1LEikq0.

[7] See the availability of information at http://www.parliament.mn/laws/projects.

[8] See the World Bank's Internet usage statistics at http://data.worldbank.org/indicator/IT.NET.USER.P2.

[9] For more information visit: http://www.civicus.org/images/PGX_H_M&E%20of%20public%20services.pdf.

Group 6: Improving Law Enforcement

3.3.3.1: Develop and publish E-mapping of crime occurrence.

Start date: Not specified   End date: 31/12/15

3.3.3.2: Create a united information database on law enforcement activities, crimes and violation records, and ensure that the database is accessible to relevant bodies.

Start date: Not specified   End date: 31/12/15

Lead institutions: Ministry of Justice; Government

Supporting institutions: None specified

Editorial Note: The IRM researchers clustered these commitments for analysis because both address law enforcement and crime.

COMMITMENT DESCRIPTION	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.3.3.1: E-mapping of crimes			✔		✔			✔			✔			✔		
3.3.3.2: United law enforcement database			✔			Unclear					✔			✔		

What happened?

According to government reporting, in June 2013, the Justice State Secretary's Decree No. A/53 formed a working group to develop a project called "E-Mapping of Crime Occurrence System Application to the Police Activities." An e-crime mapping software was developed in 2014 and is operational at http://crimemap.police.gov.mn/. Certain registered crimes of 2011 and 2012, as well as registered crimes of 2013 in six central districts, have been inserted on the online map by the Information and Technology Center of the General Police Department and ICTCC LLC, a technology company that worked on this project. Users can search registered crimes by types of crime and location up to the most recent six-month period. However, the IRM researchers tested the map, and at the time of preparing this report no information is available. Furthermore, the portal was launched in September 2015, outside the year evaluated by this report.[1] Therefore, the IRM researchers consider the commitment's completion to be limited.

Certain limited tasks have been accomplished toward the second commitment to create a united information database (which would draw upon some of the same information as the e-mapping of crime). Parliament's Legal Standing Committee issued Decree No.

23 in July 2015 to build this database. On 4 September 2015, a working group was established, and according to the project leader at the Ministry of Justice, 50–60% of the plan has been implemented.

Did it matter?

The Ministry of Justice and the National Police Administration have made various efforts toward transparency in recent years. Since August 2013, a "News" function on the National Police website has given updates on crime occurrences,[2] and similar capabilities exist on the Justice Ministry's site where that ministry reports on its recent works to develop or amend laws.[3] The Information and Technology Center of the General Police Department provides information on criminal records and received penalties upon request, and both have functions on their websites for complaints, with some limited reporting on the complaints received.[4] Furthermore, via Resolution No. 257 (2015), the Mongolian government began a "public-police cooperation program" to encourage public-awareness activities for understanding between police and communities.[5] Partially as a result of initiatives like these, research shows a high level of satisfaction with community-police relations from both police and the communities.[6]

In this sense, the potential impact of these activities is moderate. Improving transparency and regularity of information channels and creating others is a good step that will inform citizens and help them make decisions and formulate demands for policing or changes to security policy. Other initiatives, explored further in the "Moving forward" section, would have a greater potential impact because they would begin to empower citizens with specific accountability mechanisms for improving policing and public security. As the Open Government Guide explains: "Given the extraordinary power and authority vested in the police, *accountability* is particularly important in addressing problems of corruption, discrimination, abuse of power and anti-democratic use of police… *supported* by transparency" (emphasis added).[7] Although it does not affect the potential impact, the Mongolian government should be recognized for including commitments on this topic, which are very uncommon in OGP action plans across the organization.[8]

Note that the second commitment does not explicitly say that it will be public to citizens. While it will incorporate and use much of the same public infrastructure as the public e-mapping system, the specification of only "relevant bodies" as the intended users of the database suggests that this is a closed system, lacking a public-facing element.

Moving forward

Once transparency in policing and crime is achieved, additional efforts in participation and accountability should also be considered. For example, creating opportunities to have citizens report directly into the system and mechanisms for civil society monitoring of police could be helpful. Some further examples from the Open Government Guide include:[9]

- Publish all laws and set up mechanisms for whistleblower procedures in relation to policing;
- Publish basic information on police budgets and personnel;
- Develop a system of regular public surveys about crime, policing, and citizens' perceptions and experiences with the police; and
- Establish safeguards to ensure that new technologies used for police surveillance respect the right to privacy.

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[1] In the IRM researchers' original interviews, the portal was incomplete. During the process of preparing the report, the portal began to be shared on Mongolian police social media accounts, such as the Ulaanbaatar

police department's Facebook page:
https://www.facebook.com/permalink.php?id=307581372768618&story_fbid=409798145880273.

[2] See http://www.police.gov.mn/news/content/id/92/type/11/menuid/18.

[3] See http://bit.ly/20dMasV.

[4] See http://bit.ly/1jUU4XQ.

[5] "'Open Days' are held," *Mongolian National Police*, 21 October 2015:
http://www.police.gov.mn/news/content/id/1697/type/159/menuid/37.

[6] For example, see this ongoing study between 2014 and 2016 on police integrity:
http://www.police.gov.mn/news/content/id/1700/type/159/menuid/37.

[7] Open Government Guide, Transparency and Access Initiative:
http://www.opengovguide.com/topics/police-and-public-security/.

[8] According to the OGP Explorer, as of the action plans published by early 2015, only 36 commitments had been made on 'Law Enforcement and Justice,' representing less than 2% of the total.

[9] The Open Government Guide was developed by the Transparency and Access Initiative to support OGP participating governments and civil societies. The chapter on open government in policing is available at http://www.opengovguide.com/topics/police-and-public-security/.

Group 7: Increasing Public Integrity through Asset Disclosure

3.3.3.3: Introduce a system of random disclosure to the public of asset and financial statements of any public servants.

Start date: Not specified   End date: 31/12/15

3.3.3.4: Publish the asset and financial statements of officials who work in organizations with a high likelihood of corruption index on websites and ensure citizen monitoring.

Start date: Not specified   End date: 31/12/15

Lead institutions: Government; Ministry of Justice; Anti-Corruption Authority

Supporting institutions: None specified

Editorial Note: The IRM researchers clustered these commitments for analysis because they address asset disclosures by government officials.

COMMITMENT DESCRIPTION	Specificity				OGP Value Relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.3.3.3: Random disclosure of assets			✔		✔		✔	✔				✔	✔			
3.3.3.4: Asset publication in departments with high probability of corruption			✔		✔	✔	✔	✔				✔	✔			

What happened?

Since May 2012, Mongolia has embedded public integrity legislation in the Anti-Corruption Law and the Law on Regulating Public and Private Interests in Public Service and Preventing Conflicts of Interest, as well as other related rules and regulations. As a result, political and public servants turn in declarations regarding assets, financial statements, and conflicts of interest, and a summary of 240 high-ranking officials' information is supposed to be published.

However, though the principle of preventing conflicts of interest is reflected in the law, it is barely implemented.

Due to the limited government capacity to review each of the 40,000 public servants' declarations, civil society organizations (CSOs) have suggested introducing a system of random disclosures, in accordance with international laws and regulations. The executive director of the Open Society Forum and a member of the OGP National Council made these recommendations during consultations on the action plan, and it was included in the plan with support from other CSOs and the Independent Authority

Against Corruption (IAAC). However, although the IAAC reported to the IRM researchers that it has been researching the idea, no activity occurred during the first year of action plan implementation.

Similar to the first commitment in this group, the second commitment targeted authorities with a high likelihood of corruption, such as officers from the Mineral Resource Authority, local administrative authorities, and land registration authorities. While some first-tier state and administrative officers figure among the 240 government officials who do disclose their asset and financial statements summaries, during the year analyzed by this report, most of the lower groups' declarations remained closed.

Did it matter?

Until 2015, perceptions of corruption had been trending downward in Mongolia. For example, the Asia Foundation, the Sant Maral Foundation, and Mercy Corps Mongolia carry out semiannual surveys on perceptions of corruption, and they found that corruption in 2006 was "ranked as the second most critical issue [in the country], with 29 percent of respondents citing it as the most critical issue. In 2014, only 8 percent cited it as the most critical issue, although it still ranks third..."[1] The group found that citizens felt the least worried about corruption in April 2011, which was the "same year Mongolia's global corruption perceptions ranking in Transparency International's annual Corruption Index fell to 120th, perhaps the lowest ever in recent memory."[2]

However, perceptions of political corruption are on the rise, according to the latest survey. Fewer people are optimistic that corruption will get better in the short term, and political parties, parliament, and the national government (topping the list for the first time since 2006) are three of the five institutions reported as being most corrupt.[3]

In its 2014 *Report on Anti-Corruption Reform in Mongolia*, the Organization for Economic Cooperation and Development (OECD) reviewed Mongolia's public integrity measures. That report found extensive conflict of interest legislation in place, namely through Article 15 of the Government Service Law of Mongolia. However, it did note that the law does not cover "apparent" or "potential" conflicts of interest (where a civil servant's position could appear to present a conflict or could potentially become a conflict with a reasonable change of that individual's specific duties). On asset declarations, that same report also pointed out that Mongolian law, unlike the standard of the United Nations Convention Against Corruption, explicitly defines the posts that are subject to asset declaration instead of making declarations dependent on the roles performed. Especially in the Mongolian context, where institutions and bureaucracies are often re-organized or re-formed, "sometimes the public sector is developing faster than changes in anti-corruption laws, therefore very precise definition of public officials through specific positions or posts sometimes cannot include all persons to whom the anti-corruption and prevention of conflicts of interest regulation should be applied."[4]

Given the context above, these two commitments could potentially transform the issue of conflicts of interest and public integrity in Mongolia. It is particularly noteworthy that the first commitment has been a civil society demand for many years, thus responding to civil society's concerns, and that the second commitment explicitly includes the assurance of citizen monitoring. At the same time, this part of the commitment was very vague, and ensuring such monitoring is a difficult task, perhaps explaining why the commitment was not started in the period. Still, should both of these reforms be fully implemented, and through that implementation help guarantee the effective implementation of existing law, they have transformative potential.

Moving forward

The IRM researchers recommend that these commitments be carried forward, if necessary, to guarantee their full implementation. The IAAC cannot review all asset declarations every year; therefore, a random disclosure system should be applied for 2015 declarations after 15 February 2016. To establish which organizations are "risky," the second commitment should more explicitly model the corruption indices, integrity assessments of governmental organizations, and research on government corruption. Once the government defines which departments have a high possibility of corruption, it could, starting in 2016, implement disclosure rules for officials regarding their assets and financial statements.

It is also of particular importance to guarantee implementation of clear, effective citizen monitoring as part of the latter commitment. The government should consider ways to allow civil society organizations and individual citizens to report acts of corruption or suspicions of conflicts of interest. Reported officials would then have their asset declarations considered for publication and analysis by the IAAC (with safeguards to prevent abuse).

Finally, the previously cited OECD report on anti-corruption in Mongolia has a variety of useful recommendations that could form the basis for future OGP action plan commitments, including further work on asset declaration such as the installation of a sufficiently empowered verification mechanism, effective sanctions, protection of whistleblowers, and a channel for mandatory reporting of corruption violations and offenses.[5]

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[1] Basanta Pokharel, "In Mongolia, Perception of Corruption as Most Critical Problem Drops," The Asia Foundation, 18 June 2014: http://bit.ly/1iw5U8Y.

[2] Pokharel, "Perception of Corruption."

[3] "The Asia Foundation Releases Findings of Annual Survey on Perceptions and Knowledge of Corruption (SPEAK)," The Asia Foundation, 23 June 2015: http://bit.ly/1iw6uUb.

[4] *Anti-Corruption Reforms in Mongolia*, OECD, 18 April 2014, 42: http://www.oecd.org/corruption/anti-bribery/MONGOLIA-MonitoringReport-EN.pdf.

[5] *Anti-Corruption Reforms*, 44.

V. Process: Self-Assessment

The government officially submitted its self-assessment report to the OGP Support Unit in late October 2015. The report contains a small amount of information regarding the implementation of the OGP action plan commitments from the related ministries and agencies, but does not include any information on consultations as the OGP guidelines instruct.

Self-Assessment Checklist

Was the annual progress report published?	Yes
Was it done according to schedule?	No
Is the report available in the administrative language(s)?	Yes
Is the report available in English?	Yes
Did the government provide a two-week public comment period on draft self-assessment reports?	No
Were any public comments received?	N/A
Is the report deposited in the OGP portal?	Yes
Did the self-assessment report include review of consultation efforts during action plan development?	No
Did the self-assessment report include review of consultation efforts during action plan implementation?	No
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	No
Did the report cover all of the commitments?	Yes
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	Yes

Summary of Additional Information

The government officially submitted its self-assessment report to the OGP Support Unit in late October 2015, and although it uploaded versions to the national OGP page a few weeks earlier, this was still outside the 30 September deadline established by the OGP.[1]

The report contains a small amount of information regarding the implementation of the OGP action plan commitments from the related ministries and agencies, including additional contact information for the civil servants responsible for commitments. However, there are no links to evidence or substantiation for the completion information in the document. The report also does not include any information on consultations for the action plan or self-assessment, as the OGP guidelines instruct.

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[1] See http://www.opengovpartnership.org/country/mongolia/assessment and http://www.zasag.mn/tunshlel for more information.

VI. Country Context

Mongolia has faced political and economic hardships since beginning its OGP process. At the same time, the government made several important achievements in transparency. This section places the action plan commitments in this broader national context.

Economic Challenges

When Mongolia joined OGP in early 2013, it was riding a trend of extremely high economic growth—more than 12% in 2012.[1] However, this growth began to falter at the same time that Mongolia started to implement its OGP processes and reforms. Due to falling coal prices (Mongolia's main export), Mongolia's growth fell consistently, arriving at less than 5% at the time of preparing this report.[2] This situation has led to "short-term challenges, with limited policy buffers"[3] for implementing programs like OGP.

On a serious political level, the falling growth helped lead to the resignation in November 2014 of Prime Minister Altankhuyag Norov.[4] This sensitive period also influenced the government's ability to implement OGP, despite the fact that the former chairman of the Cabinet Secretariat, the institution responsible for OGP, became the new prime minister. Further details on this process can be found in Sections I and II of this report.

Mining as a Problematic Response to Economic Challenges

At the same time that coal production faltered, other minerals began to undergo expanded exploitation. Copper and gold led this expansion, principally from the massive Oyu Tolgoi (OT) copper and gold mine.[5] In May 2015, the government reached an agreement to further develop the mine, which was already one of the largest in the world and one of the only mining projects to receive additional investment and development amid the global commodity slowdown.[6] The government took this decision after an "X-Factor style referendum," in which the prime minister texted every Mongolian citizen with a cellular phone (around 3.3 million)[7] to gauge their opinion on whether the government should turn to austerity or further develop its mineral resources to respond to economic challenges.[8] The prime minister's move was in response to political disagreements on whether the OT expansion project should proceed and under what terms. Although lauded as an example of very direct democracy, the move was largely interpreted as a strategy to "broker a consensus in favour of allowing OT to proceed, cutting through the arguments of critics who say Mongolia is not getting its fair share of the mine's earnings."[9]

Civil society organizations (CSOs) organized a forceful protest in response to the government decision. Specifically, two organizations, the National Centre for Disaster (*Gamshgiin Esreg Undesnii Tov*) and Fire Nation Association (*Gal Undesten Holboo*) held a press conference on 10 June 2015, and afterward "performed a 'spiritual cleansing and/or punishment' (zoligt gargah) of the Prime Minister by setting fire to his effigy and a poster listing 'the of crimes of Ch. Saikhanbileg' [*sic*], at the historic shamanic site below Bogd Khan Mountain in Ulaanbaatar."[10] The protestors accused the prime minster of prioritizing foreign interests over those of the country. According to the anthropologist Dr. Bumochir Dulam:

> *The original connotation of this traditional ritual, prevalent in both Buddhist and shamanist traditions, is to cleanses a person of their bad deeds and prevent demonic enemy threatens [sic]. However, the current ritual organized by the protestors expressed punishment more than cleansing. To my knowledge it has*

never been performed against state officials, who are traditionally viewed as the 'carriers of the State', a semi-sacred entity in itself.[11]

That particular protest took place within a larger context of other protests of mining projects in Mongolia. As described above in the evaluation of the third group of commitments related to transparency in mining commitments, at the beginning of 2015 the government announced changes to Mongolia's environmental protection law that had previously blocked additional mining projects. The government cited economic hardship as necessitating the change, and in response, members of Upright Blue Mongols and the Save Noyon Mountain Movement began a hunger strike in Ulaanbaatar.[12] Police eventually escorted the protestors to the hospital.

In addition, the CSO Minewatch Mongolia has reported the following seriously contested mining projects:

- The Tayan Nuur mine in the Mongolian Gobi Altai mountains. In December 2014, OT Watch, the Centre for Research on Multinational Corporations (SOMO), and CEE Bankwatch filed a complaint with the European Development Bank, alleging significant environmental pollution and the displacement of local herders.[13]
- In February 2015, representatives from Russian and Mongolian communities, CSOs, and academics filed a request for investigation with the World Bank's Inspection Panel. The project in question, the Mongolian Mining Infrastructure Investment Support Project (MINIS), has raised concerns about the Shuren Hydropower Plant and the Orkhon-Gobi Water Diversion.[14]

Transparency Reforms

One notable aspect of the Mongolian context is that the reforms and changes that have generated social movements and opposition, such as the environmental issues above, have been carried out in a transparent way. Indeed, the past few years have seen several transparency reforms, including those described in the commitments. This demonstrates that access to information has not been the most significant open government issue in Mongolia, but rather has actually been an area of some success.

In the area of mining, for example, the Ministry of Environment and Green Development declared that 2014 was the year of "environmental information" and performed several activities, as described in commitment group three. In addition, the Ministry of Mining holds monthly discussions called "Transparent Mining" with the participation of the minister and other administrative officials. The ministry has published detailed summaries of the meetings on its website since May 2012.[15]

In addition, Mongolia is an active participant in the Extractives Industry Transparency Initiative (EITI), currently with the status of "compliant." Its first report in 2007 covered just 35 companies and US$348 million, whereas its most recent report from December 2014 covered 1,198 companies and more than US$1 billion. According to the EITI Secretariat, "Mongolia's EITI Reports are highly comprehensive. They include a good overview of the extractive sector…. The reports disclose revenues collected at provincial and levels [*sic*], including fines and environmental remediation costs, and social payments and donations."[16] In fact, one of the specific commitments above on environmental transparency received a star for being potentially transformative and substantially implemented.

More generally, there were several wider transparency reforms, as referenced in the commitments in this first action plan. The "Big Government to Smart Government" initiative includes transparency and public participation among its key principles.[17] As well, the Information Transparency and Information Access Right Act and its subsequent reforms and adaptations, the Glass Account Law, and the Law on Supporting

Economic Transparency, which was one of the biggest political and legal issues in 2014 and 2015 (in more detail below) all sought to improve transparency in the country.

Despite these successes, stakeholders have claimed that implementation of some of the measures has been insufficient. All of these debates are described in the relevant commitment evaluations above.

Public Procurement

Furthermore, there are some areas in which Mongolia has not achieved as much in terms of transparency. Public procurement is one of those areas.

For example, a 2013 World Bank report on public investments for infrastructure found noncompetitive procurement, single-digit numbers of bids, and firms with political connections receiving prioritization to be key issues in a status quo of "low value for money of public investments."[18] Similarly, in 2012 the U4 Anti-Corruption Resource Centre reported grave concerns about continued opaqueness in government procurement for natural resource projects, including bribery, political favoritism, and preferential tenders and licensing.[19]

In this context, in 2012 a successful civil society campaign led by the Public Procurement Partnership of Mongolia achieved significant reforms to the country's procurement law. Specifically, around 60 CSOs, supported by the World Bank, successfully advocated and partnered with the government to create a legal role for civil society in evaluating tenders and monitoring public contracts.[20]

However, while some achievements have been reported, further results have not been very clear after that initial success. The Public Procurement Partnership's Facebook community page has not been updated since 2012. In April 2013, the Affiliated Network for Social Accountability in East Asia and the Pacific reported that the partnership held a meeting to develop action plans that "established infrastructure (roads) and education as key sectors to monitor since they had the greatest direct impact on the *aimag* communities. The plans also outlined how they would carry out the monitoring activities, and how they planned to share their experiences in the future."[21] In October 2013, the now-defunct World Bank Institute reported some early results, including "new implementing procedures for CSOs participating in bid evaluation committees... a new web portal for CSOs to use when reporting on the performance of bid evaluation committees ..." and pilot projects in Uvurkhangai and Huvsgul.[22] In those projects:

> *The partnership reviewed the main roads of the capital cities of Uvurkhangai and Huvsgul and gathered evidence, including from citizens of the main recurring problems in all roads. They found that often roads were washed away after being built as drainage systems were not included. The local governors' office in Uvurkhangai and Huvsgul agreed to changing technical specifications for new local roads contracts so that new roads would be required to include drainage and other specifications to ensure road safety. They also involved representatives from the monitoring organizations in working groups to craft roads master plans for the cities.[23]*

Indicating the incipient nature of these reforms, the website of the Mongolian Government Procurement Agency currently provides very little information about civil society involvement in any procurement processes, although many resources, tenders, and reports are available in PDF and other non-machine-readable formats.[24] In April 2014, the Public Procurement Partnership's director stated, "Thanks to joint efforts of civil society initiatives, the Information Transparency and Right to Information Law, the Public Procurement Law, and the new Budget Law now encompass some measures to make public procurement more transparent and accountable," but that it was "crucial to

establish a stable and permanent structure for allocating regular funding for independent procurement monitoring practice."[25]

However, there are positive indications for opening procurement in Mongolia. The previously cited statement was made at an event hosted at the Open Society Foundation offices in Ulaanbaatar in April 2014. The Swiss Agency for Development and Cooperation, the World Bank Mongolia office, and around 40 other government, development, and civil society partners were reportedly in attendance. According to the report, "The purpose … was to introduce open contracting and its relevance for Mongolia, and to share the resources and tools that the Open Contracting Partnership offers."[26] Furthermore, according to sources close to their work, the Mongolian Procurement Monitoring Partnership has been continuing their initiatives, despite funding challenges.

Access to Information and Freedom of the Media

Another area of difficulty for transparency in Mongolia is media and press freedom.

Since 2011, the Communications Regulatory Committee (CRC) has been the principal media regulatory agency in Mongolia. The CRC chairmen and commissioners report to the government and are appointed by the president. Some CSOs, such as Globe International Center, have alleged that the government has used the CRC to engage in censorship of media and has abused insult and libel laws to silence political critics.[27] As one example, in July 2014 the CRC informally requested that a news site remove an article mentioning Mongolia's prime minister. When the site's administrators refused, the CRC placed the site on a blacklist, preventing its access.[28]

The Globe International Center's 2015 report on the state of Mongolia's media during the previous two years provides many additional examples that illustrate the severity of the issue, including cases of violence and threats from authorities or powerful private-sector actors with political ties.[29] The Organization for Security and Cooperation in Europe declared its concern over the arrest of a journalist in July 2015, which was the result of a local business's complaint about an allegedly insulting article from June 2013.[30] That particular case attracted significant public interest since it was "the first incident in Mongolia where a journalist was convicted together with their source of information."[31]

Finally, concerns exist around the direct political control of media outlets. Media outlets have continued to grow in number and exceed what would seem to be market saturation in a country of 3 million people. Activists complain that leading politicians and business figures own the majority of news outlets and force the outlets to sign "agreements of co-operation" with advertisers. These "blocking" provisions then contractually prevent media from distributing any "negative information" about entities from which they receive funds for advertising.[32] According to Mongolian Press Institute Executive Director Munkhmandakh Myagmar, "The media exists based on financial support or subsidies from politicians. In turn they are obliged to provide information that is wanted by politicians. This makes journalism in Mongolia extremely unhealthy."[33]

There have been some positive changes. In raw statistics, the number of incidents against journalists has been decreasing slightly over recent years.[34] Moreover, Mongolia rose several points on the 2014 World Press Freedom Index.[35] However, the area remains a serious challenge for the country and one that has remained largely outside of the open government and OGP process.

Participation, Accountability, and Access to Public Services

Moving beyond transparency, the Mongolian government has also worked to achieve reforms in the areas of public participation and accountability, especially with regard to improving quality and access of public services.

As mentioned in the commitment evaluations above, the "Citizens' Hall" initiative of the President of Mongolia has been established at various levels of government to have public trainings and discussions about local development funds, draft laws, and the like.[36] The government-services e-machines and the "11-11" Center are further examples, as are participatory Local Development Fund transfers.

In collaboration with external partners, the Mongolian government has launched several additional initiatives not included in the commitments of the first action plan. In 2014, Globe International Center won a grant in 2014 from the Global Partnership for Social Accountability (GPSA) to "improve the quality of service delivery in the education sector by strengthening citizen engagement in the monitoring of budgets and procurement processes."[37] In June 2015, the GPSA announced a call for proposals for new projects in the country, focusing on monitoring the use of development funds at the local level and implementation of the Glass Account Law. The call specified that the Ministry of Finance wanted the results of the funded projects to improve the performance of the Local Development Fund.[38]

In September 2015, the government, the World Bank, and the Swiss Agency for Development and Cooperation launched the third phase of the Sustainable Livelihoods Project. This project aims to give "rural communities a greater role in the government funding process."[39] In November 2015, those same two funding agencies announced a similar, larger project called Mainstreaming Social Accountability in Mongolia. That initiative:

> *will be implemented over four years in 10 aimags and districts of the capital city, Ulaanbaatar. It will benefit poor and marginalized groups by involving them in social accountability processes, empowering them to hold public officials accountable for improving the quality, access and delivery of services in their communities.[40]*

Corruption, Amnesty, and the Anti-Corruption Authority

The final issue in this section is perhaps the most serious political issue in Mongolia's recent history.

In 2007, the Independent Authority Against Corruption (IAAC) was created in Mongolia. The IAAC "reports to parliament annually, and [is] subject to oversight of the Attorney General's Office under the Criminal Procedures Code. [It is] a one-stop shop for investigations, intelligence, asset disclosure, and public awareness."[41] From its creation through the first six months of 2015, the IAAC investigated more than 1,400 cases of corruption, including 407 involving state service officers (төрийн үйлчилгээний), 655 involving state administration officers (төрийн захиргааны), 424 involving state special service officers (төрийн тусгай), and 239 involving state political officers (төрийн улс төрийн).[42]

As a result of the IAAC's work, some high-level government officials and their private-sector networks were implicated in scandals and investigations, including some resignations and arrests. When the National Anti-Corruption Program, which empowers the IAAC, expired in 2010, the government delayed approval of a new strategy. According to officials interviewed by the Organization for Economic Cooperation and Development (OECD), "the delay was caused by instability in the Parliament, the growing awareness among different political parties and government bodies that they

could become a target of anti-corruption efforts and their fear that the new anti-corruption programme could possibly give more powers to [the IACC]."[43] Government critics of the IAAC say that the agency's activity can is sometimes politically motivated. But the same OECD report found that "no corroboration of these allegations was provided to the evaluators on-site" and recommended strengthening the IAAC financially and institutionally.[44] Although public confidence in the IAAC has fallen in recent years, that seems to be a result of political interference in the institution rather than the political biases of the institution itself. The IAAC is still by far the most trusted institution to battle corruption, more than the national government, civil society, the police, or the president.[45]

In this context, government officials have attempted to undermine the authority of the IAAC. In 2014 and 2015, the president's office created a working group to draft a new anti-corruption strategy. The group involved the IAAC, civil society, and the private sector, and it was submitted to a broad public comment phase. When the resulting proposal was presented to parliament, however, that body "did not truly debate the merits of the new programme ... because, among other reasons, a few of its members were still [being] investigated by IAAC and were reluctant to discuss anything that could have strengthened the position of IAAC."[46]

Instead, in August 2011 the parliament passed the Economic Transparency Law and the Law on Amnesty. The first gave amnesty to legal entities that had hidden revenue to avoid taxation. It explicitly did not pardon corruption "because of feedback from some parliamentarians during the final review of the law."[47] Proponents of the law, such as the president of the Mongolian Chamber of Commerce, claimed that the law would encourage the reporting of assets and taxes that had previously been evaded, thereby boosting the government's revenues. Opponents argued that passing amnesty every few years is one of the main encouragements to tax evasion in the first place.[48]

The second law, however, did provide amnesty for many corruption cases and explicitly undermined the IAAC. As one analyst explained:

> *The law would basically stop the fight against corruption that has been started loudly in recent years ... Clause 9 of the draft law states that pardons do not apply to those who have committed crimes of receiving or brokering corruption, in accordance with clauses 268 and 270.2 of the criminal law of Mongolia. However, the draft law grants pardons to those who work for a state-owned legal entity and have misused their power.[49]*

The Mongolian chapter of Transparency International spoke out strongly against the law, claiming:

> *Currently 45 out of the 55 cases that the IACC is investigating would be terminated and amnesty granted to the accused. The alleged crimes involve more than 32 billion Mongolian Tugrik (US$16.2 million). Those who were under investigation by the IAAC and the former President N. Enkhbayar had pushed for this new amnesty law, which also clears any criminal records allowing people to continue their political careers.[50]*

Shortly after the Amnesty Law's approval in parliament, the president partially vetoed parts of the legislation. Among other reasons, the president explained that the new law removed certain distinctions from previous versions that had been passed between 1991 and 2009, what he called "a huge step backwards from the principles adhered to in previous versions of the law."[51] He also pointed out that "Parliamentarians omitted crimes of corruption and the abuse of position and authority from the list of cases ineligible for pardon" and argued that that category should be included.[52]

In response to the president's partial veto, parliament was forced to consider an amendment to the bill. During the extensive debates, the speaker of the parliament introduced as evidence a letter from Transparency International expressing their concerns over the law.[53] In the end, parliament adopted the amendment. As a result, although around 1,700 prisoners were released and pardoned, "most of the members of the parliament supported the exclusion of corruption, abuse of authority, abuse of state budget, and illegal capitalization cases from amnesty. Therefore, these cases will not be granted amnesty."[54]

Stakeholder Priorities

In terms of priorities from the *current* action plan, civil society stakeholders reported:

- Natural resource commitments;
- High level of corruption; and
- Policy on loans and bonds.

In terms of priorities for the *next* action plan, civil society, business, and media stakeholders reported concerns in the following areas:

- Efficiency and transparency of state loans and bonds;
- Anti-corruption law enforcement and re-launch of the National Action Plan against Corruption and Justice. The country has not had an anti-corruption national action plan for five years;
- Media freedoms and protecting an independent press; and
- Amendments to the laws on political parties, party finance, and elections. In early September 2015, all the major parties of Mongolia, including some currently without seats in the State Great Khural, met at the State Palace of Mongolia to discuss these amendments.[55] At the time of writing, no information was publicly available about the planned changes, which raised stakeholder concerns, given the importance and sensitivity of the topics.

Scope of Action Plan in Relation to National Context

The commitments in Mongolia's first action plan were generally ambitious, and addressed topics and sectors of high importance for the country. Although there remain a few serious issues related to open government that have not yet been brought into the Mongolian OGP process, the scope of the action plan is for the most part considered satisfactory. Instead, the primary issue, as evidenced by the findings from Section IV, has more to do with fulfilling the promises of the action plan.

[1] Altantsetseg Shiilegmaa, Khandtsooj Gombosuren, and Gregory Smith, *Mongolia Economic Update*, World Bank, April 2013: http://documents.worldbank.org/curated/en/2013/04/17713386/mongolia-economic-update.

[2] Taehyun Lee, Altantsetseg Shiilegmaa, Davaadalai Batsuuri, and Mathew Verghis, *Mongolia Economic Update*, World Bank, November 2015: http://bit.ly/1NN6Qyy.

[3] "World Bank Report: Continued Policy Reforms Needed to Mitigate External Risks," World Bank, 10 November 2015: http://bit.ly/1PLPDvl.

[4] Michael Kohn, "Mongolia in Limbo After Premier Loses Confidence Vote," *Bloomberg Business*, 5 November 2014: http://bloom.bg/1MA1rgC.

[5] Lee et al., *Mongolia Economic Update*, 2015.

[6] Andrew Critchlow, "Mongolia to be transformed by giant Rio Tinto copper mine," *The Telegragh*, 23 May 2015: http://bit.ly/1HaBoI9.

[7] Julie Makinen, "In Mongolian gold mines lies a vein of hostility," *Los Angeles Times*, 22 February 2015: http://www.latimes.com/world/asia/la-fg-mongolia-economy-20150222-story.html.

[8] James Wilson and Lucy Hornby, "Mongolia holds text message vote on mining v austerity," *Financial Times*, 29 January 2015: http://on.ft.com/1jhNCZC.

[9] Wilson and Hornby, "Mongolia holds text message vote."

[10] Bumochir Dulam, "Mongolia's 'strategic mine' and the conflict between civil society, national government, and foreign investors," *University College London Emerging Subjects Blog*, 30 June 2015: http://bit.ly/1Yrub0d.

[11] Dulam, "Mongolia's 'strategic mine.'"

[12] Odno Shourd and Hannibal Rhoades, "Hunger Strike and Protest: Mongolian Government Gives Green Light to Hundreds of Mining Projects," *Yes to Life, No to Mining*, 10 March 2015: http://bit.ly/1Xog1L2.

[13] "Complaint by Mongolian Herders about Iron Ore Mining Company Accepted by European Development Bank," *Minewatch Mongolia*, 22 January 2015: http://bit.ly/1NpYrXy.

[14] "Russian and Mongolian Groups Oppose World Bank Funding To Hydro Dams on Mongolia's Largest Rivers for Mining and Energy Projects," *Minewatch Mongolia*, 2 March 2015: http://bit.ly/1PX5Vjx.

[15] For the earliest available summary, although it is less detailed that later summaries, see: http://www.mm.gov.mn/news/view/8.

[16] All of the information cited in this paragraph can be found at the Mongolia country page on EITI's website: https://eiti.org/Mongolia.

[17] For more information, see the presentation available at. http://english.news.mn/content/164557.shtml.

[18] "Mongolia: Improving Public Investments to Meet the Challenge of Scaling Up Infrastructure," World Bank, January 2013: http://bit.ly/1R4lmax.

[19] Marie Chene, "Corruption in natural resource management in Mongolia," U-4 Anti-Corruption Resource Center, 16 November 2012: http://www.u4.no/publications/corruption-in-natural-resource-management-in-mongolia/

[20] "In Mongolia National Advocacy Results in Changes to Law," Open Contracting Partnership: http://www.open-contracting.org/in_mongolia_national_advocacy_results_in_changes_to_law.

[21] Vivien Suerte-Cortez and Kristina Aquino, "Getting to the Heart of the Community: Local procurement monitoring in Mongolia," Open Contracting Partnership, 6 August 2013: http://www.open-contracting.org/getting_to_the_heart_of_the_community.

[22] "Opening Government for Better Roads in Mongolia," The World Bank Institute, October 2013. When the WBI was dissolved, the page disappeared, but it can still be accessed as a Google cache or at http://invest-mongolia.apip.com/blog/opening-government-better-roads-mongolia.

[23] "Opening Government for Better Roads in Mongolia."

[24] See http://www.e-tender.mn/en for more information.

[25] "Interactive discussion to develop Open Contracting in Mongolia was held with SDC and World Bank participations," *Info Mongolia*: http://www.infomongolia.com/ct/ci/7628.

[26] "Interactive discussion," *Info Mongolia*.

[27] Globe International Center, "Freedoms of Opinion and Expression," *Submission to the UN Human Rights Council*, 15 September 2014: http://www.ifex.org/mongolia/2014/09/15/mongolia_freedom_opinion_expression_globe.pdf.

[28] "OSCE media freedom representative concerned about blocking of news website in Mongolia," Organization for Security and Cooperation in Europe, 10 July 2014: http://www.osce.org/fom/121076.

[29] "Media Freedom Report 2012-2014," Globe International Center, 2015: http://www.globeinter.org.mn/images/upld/Hevleliinerhcholoo2015english.pdf.

[30] "Arrest of journalist underscores need for urgent reform of defamation law in Mongolia, Mijatović says," Organization for Security and Cooperation in Europe, 22 July 2015: http://www.osce.org/fom/174066.

[31] "Globe International Center condemns detention of website journalist," Globe International Center, 16 July 2015: http://www.globeinter.org.mn/?cmd=Record&id=1205&menuid=367.

[32] Lisa Gardner, "Mongolia's Media Laws Threaten Press Freedom," *Idea Lab*, 1 April 2014: http://mediashift.org/idealab/2014/04/mongolias-media-laws-threaten-press-freedom.

[33] "In dialogue with Mongolian Media," *DW Akademie Media Dialogue*, October 2013: http://onmedia.dw-akademie.com/english/?p=15697.

[34] "Media Freedom Report 2012-2014."

[35] For more information see: http://rsf.org/index2014/en-index2014.php#.

[36] For example, see the work at the Darkhan-Uul Aimag, supported by the Asia Foundation: https://asiafoundation.org/resources/pdfs/MGLocalGovernancev2.pdf.

[37] "Improving Access to Education and Performance in Mongolia," Global Partnership for Social Accountability: http://bit.ly/1NbHWfU.

[38] "The Global Partnership for Social Accountability Calls For Proposals For Mongolia," World Bank, 4 June 2015: http://bit.ly/1BMofm2.

[39] "Mongolia's Rural Communities to Play Greater Role," World Bank, 17 September 2015: http://bit.ly/1QGzess.

[40] "Social Accountability in Mongolia Gets Boost with New World Bank—SDC Project," World Bank, 11 November 2015: http://bit.ly/1lHXIol.

[41] For more information, see the information at the International Association of Anti-Corruption Authorities: http://bit.ly/1aBszFP.

[42] These data come from the most recent figures published by the IACC, available at http://www.iaac.mn/content/653#.VlWezRCrSu4.

[43] "Anti-Corruption Reforms in Mongolia," OECD, 9 October 2015, 19: http://bit.ly/1PgUHpf.

[44] "Anti-Corruption Reforms in Mongolia," 29.

[45] The Asia Foundation/Sant-Maral Foundation, "Survey on Perceptions and Knowledge of Corruption: Strengthening Transparency in Mongolia Project," June 2015, 23: www.asiafoundation.org/publications/pdf/1513.

[46] "Anti-Corruption Reforms in Mongolia," 20.

[47] D. Jargalsaikhan, "Tale of three monkeys: Polictical [sic] Parties Conspiring To Pardon Corrupt Criminals," *gogo Mongolia*, 17 August 2015: http://mongolia.gogo.mn/r/147840.

[48] For example, see this featured debate from two experts on the economic transparency and amnesty changes, available at http://mongolia.gogo.mn/r/148061.

[49] Jargalsaikhan, "Tale of three monkeys."

[50] "President should veto new law granting amnesty for corruption says TI and TI Mongolia," Transparency International, 13 August 2015: http://bit.ly/1DMD6Uf.

[51] E. Oyundari, "President lays partial veto on the Amnesty Law,", *The UB Post*, 18 August 2015: http://ubpost.mongolnews.mn/?p=15810.

[52] Oyundari, "President lays partial veto."

[53] "Transparency International expresses its concerns regarding Amnesty Law of Mongolia," *Info Mongolia*, 30 October 2015: http://www.infomongolia.com/ct/ci/9910.

[54] "The State Great Khural finally adopts the amendment on Amnesty Law," *Info Mongolia*: http://www.infomongolia.com/ct/ci/9911.

[55] For more information see: http://www.infomongolia.com/ct/ci/9670.

VII. General Recommendations

Mongolia's first action plan included a very high degree of potentially transformative commitments. For each of those commitments, the researchers recommended their full completion, as well as some specific next steps. This section recommends general next steps for the OGP process in Mongolia rather than specific commitments. They are based on the findings about the processes of developing and implementing the action plan as well as the national context and the stakeholder priorities.

The IRM researchers' more general recommendations fall into two categories: institutional and thematic.

Institutional Recommendations

On the institutional side, the OGP National Council needs to be restructured in order to effectively create and implement the next OGP action plan. The Cabinet Secretariat needs to more actively coordinate consultations, implementation, and self-assessing. Also, government and civil society need to collaborate more closely and effectively. CSO participation has so far been led by private-sector and business interests. This has to be changed, and CSOs working actively on transparency, accountability, and participation reforms need to be closely engaged. Organizations like those listed as contributors in the methodology section could provide good examples.

The council's instability, lack of clear structure and mandate, and low representation and involvement of other civil society actors directly contributed to the low implementation of Mongolia's first plan.

Recommendation One: Approve and publish a clear, stable structure of authority and outline of responsibilities for the OGP National Council.

- *These responsibilities should include all elements that OGP requires (consultation during action plan development and implementation, publication of the action plan, overseeing implementation of the commitments, and publishing a self-assessment).*

Recommendation Two: Guarantee wider civil society participation on the OGP National Council by inviting and encouraging specific civil society organizations to join.

- *This should be a tenet of the structure established in the first recommendation.*
- *While this recommendation is for the government, leading civil society organizations will also need to dedicate their time and resources to participating in the OGP initiative.*

Thematic Recommendations

As explained in the previous section, although the first action plan did include several important sectors and public policy areas, there are additional sectors that should be involved and included in the next action plan.

One such important social area that has so far been left out is the education sector. Mongolia has adopted and is implementing a National Open Educational Resources Program for 2014–2024. As UNESCO OER declaration states: "Governments can create substantial benefits for their citizens by ensuring that educational materials developed with public funds be made available under open licenses (with any restrictions they

deem necessary) in order to maximize the impact of the investment."[1] The IRM researchers therefore recommend including commitments on open access and open licensing in education in the next action plan. The government should work with CSOs active in the area to define the specific commitment. The efforts of Education Wave CSO (*Davalgaa*) could be a useful point of departure.[2]

Recommendation Three: At least one commitment on transparency, participation, and/or accountability in education is included in the next action plan, resulting from collaboration with civil society stakeholders from the education sector.

Similarly, press and media freedoms are a key issue in Mongolia that the first action plan did not address. The national context highlights the specific challenges on this theme. The IRM researchers are not making a specific recommendation on policy changes, but instead call for the government to prioritize this topic in the next action plan. Civil society collaboration will be extremely important to successfully taking up this recommendation.

Recommendation Four: At least one commitment on media freedom is included in the next action plan as a result of collaboration with civil society stakeholders from the media, journalism, and press protection sector.

Finally, further commitments on the natural resource sector are needed. The first plan did include some commitments, but future commitments in the area should be more closely aligned with Mongolia's involvement in the Extractive Industries Transparency Initiative (EITI). This could be accomplished by closer cooperation between Mongolia's EITI national council and the OGP council.

At the same time, as evidenced by the occurrences described in the national context section of this report, the government should move beyond transparency in the extractive sector and incorporate specific channels for civic participation and accountability. Oxfam's Mongolian guide to free, prior, and informed consent (FPIC)[3] could provide an ambitious goal in this regard.

Recommendation Five: Expansion and closer alignment between Mongolia's open government and national resource and extractives activities. This includes:

- *A seat on the OGP National Council is reserved for a liaison from the EITI national council; and*
- *At least one commitment on civic participation and/or public accountability in the natural resources and extractives sector is included in the next action plan, resulting from collaboration with civil society stakeholders from the natural resource sector.*

Top SMART Recommendations

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the 'SMART' logic: they are Specific, Measurable, Answerable, Relevant, and Timebound.

The IRM researchers thus offer the previous five recommendations in the following SMART format.

TOP FIVE 'SMART' RECOMMENDATIONS
One: Approve and publish a clear, stable structure of authority and outline of responsibilities for the OGP Council. • These responsibilities should include all elements that OGP requires (consultation during action plan development and implementation, publication of the action plan, overseeing implementation of the commitments, and publishing a self-assessment).
Two: Guarantee wider civil society participation on the OGP Council by inviting and encouraging specific civil society organizations to join. • This should be a tenet of the structure established in the first recommendation. • While this recommendation is for the government, leading civil society organizations will also need to dedicate their time and resources to participating in the OGP initiative.
Three: At least one commitment on transparency, participation, and/or accountability in education is included in the next action plan, resulting from collaboration with civil society stakeholders from the education sector.
Four: At least one commitment on media freedom is included in the next action plan, resulting from collaboration with civil society stakeholders from the media, journalism, and press-protection sector.
Five: Expansion and closer alignment between Mongolia's open government and national resource and extractives activities. This includes: • A seat on the OGP Council is reserved for a liaison from the Extractive Industries Transparency Initiative (EITI) national council. • At least one commitment on civic participation and/or public accountability in the natural resources and extractives sector is included in the next action plan, resulting from collaboration with civil society stakeholders from the natural resource sector.

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[1] Available at: http://ru.iite.unesco.org/files/news/639202/Paris%20OER%20Declaration_01.pdf.

[2] For example, see a 2013 study Davaalga performed on OER: http://bit.ly/1kTqdiV.

[3] The manual is available for download at http://bit.ly/1SE6vWR.

VIII. Methodology and Sources

As a complement to the government self-assessment, an independent IRM assessment report is written by well-respected governance researchers, preferably from each OGP participating country.

These experts use a common OGP independent questionnaire and guidelines,[1] based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with the International Experts Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Longitudinal Monitoring

The IRM trained the Mongolian research team shortly after publication of the action plan. As a result, during the first year of implementation, the IRM researchers monitored and collected OGP-related information and data.

Stakeholder Meeting

On 25 September 2015, the IRM researchers organized a stakeholder meeting with the groups that had been involved in the OGP process. Sixteen people from government and civil society organizations (CSOs) attended the meeting, including seven from government, six from CSOs, two from the business sector and one from the media. The organizations represented include: Cabinet Secretariat, Ministry of Finance, Ministry of Green Development and Tourism, National Human Rights Commission, Mongolian National Chamber of Commerce and Industry, Mongolian Trade Union, and Transparency International Mongolia.

Interviews

Additionally, the IRM researchers conducted individual interviews with the following people:

- P. Baasanjav—Researcher, Human Security Research Center
    - Topic: one window service, public service online machines
- B. Bilegdemberel—Project Coordinator, Ministry of Justice
    - Topic: e-crime mapping, united law enforcement database
- Ts. Battulga—Innovation Specialist, Ulaanbaatar City Municipality
    - Topic: e-government efforts in Ulaanbaatar City

Civil Society, Development Partners, and Media Reporting

The final source of information was extensive research of the websites and reports of various CSOs, development partners, and media organizations that are not normal participants in Mongolia's OGP process. Citations from these sources can be found throughout the text of this report, but several organizations provided extensive information:

- Globe International Center, a media freedom CSO
- Info Mongolia, an English-language Mongolian news site
- Minewatch Mongolia, a mining and environmental watchdog
- The Asia Foundation
- World Bank, Mongolia department

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a biannual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Yamini Aiyar
- Debbie Budlender
- Hazel Feigenblatt
- Jonathan Fox
- Hille Hinsberg
- Anuradha Joshi
- Liliane Klaus
- Rosemary McGee
- Gerardo Munck
- Ernesto Velasco

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

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[1] Full research guidance can be found in the IRM Procedures Manual, available at http://www.opengovpartnership.org/about/about-irm.

IX. Eligibility Requirements Annex

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.[1] When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

Criteria	2011	Current	Change	Explanation
Budget Transparency[2]	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information[3]	1	4	↑	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (8.24) [5]	4 (8.24) [6]	No change	*EIU Citizen Engagement Index* raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	13/16 (81%)	16/16 (100%)	↑	75% of possible points to be eligible

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[1] For more information, see http://www.opengovpartnership.org/how-it-works/eligibility-criteria.

[2] For more information, see Table 1 in http://internationalbudget.org/what-we-do/open-budget-survey/. For up-to-date assessments, see http://www.obstracker.org/.

[3] The two databases used are Constitutional Provisions at http://www.right2info.org/constitutional-protections and Laws and Draft Laws at http://www.right2info.org/access-to-information-laws.

[4] Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009): ://bit.ly/19nDEfK; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009). ://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009). ://bit.ly/1cIokyf; For more recent information, see http://publicofficialsfinancialdisclosure.worldbank.org. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and *de facto* public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at http://bit.ly/1EjLJ4Y.

[5] Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010). Available at: ://bit.ly/eLC1rE.

[6] Economist Intelligence Unit, "Democracy Index 2014: Democracy and its Discontents" (London: Economist, 2014). Available at: http://bit.ly/18kEzCt.