OPEN GOVERNMENT PARTNERSHIP: ARTICLES OF GOVERNANCE
June 2012
[updated March 2014 and April 2015]

Table of Contents:

I.   BACKGROUND AND OBJECTIVES

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 ideas and experience 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.

OGP is not registered as an independent legal entity.

The Articles of Governance detailed in this document relate to the mandate and operations of OGP, including:
- The OGP Steering Committee (SC) (see Section IV);
- The OGP Biannual Summit (or Plenary) (see Section III);
- The OGP Support Unit (see Section V); and
- The OGP Independent Reporting Mechanism (IRM) (see Section VI and Addendum G).

II.   PARTICIPATION IN OGP

Governments

Eligible governments can join and participate in OGP through the following steps:

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

All governments that submitted a letter of intent, committed to abide by OGP principles and processes by endorsing the Open Government Declaration,[1] and initiated the process of developing concrete action plans are considered participating governments in OGP. They are listed on the OGP website.[2]

The OGP Support Unit, described in Section V, reviews eligibility criteria on an annual basis or as requested by stakeholders, including participating governments or civil society organizations. The OGP Support Unit is expected to revise the list of eligible countries and to report any changes to the Criteria and Standards Subcommittee (CS) as needed.

---

[1] See Addendum D on 'Open Government Declaration' for further information.
[2] See Addendum B on 'OGP Country Commitments' for further information.

Expectations of OGP Participating Governments

All OGP participating governments commit to meeting five common expectations. These are the following:

1. Endorse the high-level Open Government Declaration;
2. Make concrete commitments, as part of a country action plan, that are ambitious and go beyond a country's current practice;
3. Develop country action plans through a multistakeholder process, with the active engagement of citizens and civil society;
4. Commit to a self-assessment and independent reporting on the country's progress; and
5. Contribute to the advancement of open government in other countries through sharing of best practices, expertise, technical assistance, technologies and resources, as appropriate.

OGP participating governments are expected to uphold the values and principles articulated in the Open Government Declaration and to consistently and continually advance open governance for the well-being of their citizens. If a participating government repeatedly (in two consecutive action plan cycles) acts contrary to OGP process and to its action plan commitments (see Addenda B and C), fails to adequately address issues raised by the IRM, or is taking actions that undermine the values and principles of OGP, upon recommendation of the CS, the SC may review the participation of that government in OGP. The OGP Support Unit will record the delivery date of National Action Plans and self-assessment reports for the purposes of the review. Both the CS and SC processes will include direct conversations with governments under such review. Specifically, to safeguard the integrity and legitimacy of OGP, the SC may review the participation of governments in OGP if they fail to resolve the following issues:

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

2. Should the Support Unit or IRM process find that a participating government repeatedly (for two consecutive action plan cycles) acts contrary to OGP process or its Action Plan commitments (addenda B and C), and fails to adequately address issues raised by the IRM, the SC may upon recommendation of the Criteria and Standards (CS) sub-committee review the participation of said government in OGP.

3. Should a Steering Committee Member, multilateral or Working Group partner, or civil society, not-for-profit organization, or media organization involved in OGP, notify the Steering Committee or Support Unit that they believe a participating government is acting in a manner contrary to OGP values and principles, as expressed

in the Open Government Declaration and in the Articles of Governance, the Steering Committee and the Criteria and Standards subcommittee will work, with the assistance of the Support Unit, to review the action(s) and agree on a specific response according to the OGP Response Policy (Addendum F).

SC engagement with participating governments should emphasize the vertical accountability between a government and its citizens that is the founding principle of OGP.

The SC will issue a public report about its final decision on the participation of any government.

Civil Society

In addition to participating governments, civil society organizations can contribute to OGP by running for membership of the SC; engaging in the development, implementation, and monitoring of action plans at the country level; and, taking part in the OGP Biannual Summit and other OGP outreach events. Civil society participation in the SC is detailed in Section IV.

Private Sector

OGP strongly encourages the private sector to take part in developing, monitoring, and supporting the implementation of country action plans through participation in both domestic public consultations and multistakeholder forums, as well as through the provision of technical expertise. Private sector organizations also may be invited to participate in the OGP Biannual Summit and other outreach events.

OGP Observers

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

III.   OGP Biannual Global Summit

An OGP meeting of all participating countries will be held every other year (hereafter "OGP Biannual Summit"), barring exceptional circumstances. It functions as the ad hoc plenary of OGP, providing a forum for OGP stakeholders to further the objectives of the initiative and to exchange their experiences in promoting open government. The lead OGP chair hosts the Biannual Summit, and the four OGP chairs serve as chairpersons for the Biannual Summit. The Support Unit works with the Governance and Leadership

Subcommittee on all aspects of the Biannual Summit.

In the years when a Biannual Summit is not to be held, OGP will hold at least one other high-profile event with OGP participating countries. This event will function as the ad hoc plenary of OGP in those years.

Date and Location: The lead chair decides the date and location of the Biannual Summit at least six months in advance.

Invitations: Invitations are issued by the lead chair to participating governments. Invitations to civil society organizations are managed through a selection process handled by the Support Unit and approved by the Governance and Leadership Subcommittee (see below). The size of government delegations is to be determined by the lead chair. Additional invitations are issued at the discretion of the chairs. The chairs are responsible for coordinating the invitation process to the Biannual Summit.

For governments invited as observers, participation in the Biannual Summit does not correspond with full participation in OGP.[3]

Agenda: The lead chair develops the agenda in concert with the Governance and Leadership Subcommittee. OGP stakeholders can offer additional items for consideration by the chairs in forming the agenda.

Civil Society Participation in the Biannual Summit: The Support Unit is to fund the travel of a certain number of local civil society representatives from OGP participating countries, contingent on available resources. All steps of the process to select local civil society representatives from OGP participating countries will be made public on the OGP website.

Civil society participation in the OGP Biannual Summit and all other outreach events is based on the principle of open invitation. Governments do not determine which civil society organizations attend from their countries, and they have no veto power. Regarding funded civil society participants at the Biannual Summit, the OGP Support Unit works with the civil society chairs to establish a transparent process to identify the most appropriate participation for each country. In addition to the OGP-funded civil society participants attending the Biannual Summit, other civil society organizations are invited using pre-defined criteria, pending availability of space as determined by the civil society chair in consultation with the other chairs.

Level of Participation: To maintain maximum political will within governments, OGP Biannual Summits are to solicit participation at the level of head of state from participating governments. Barring availability of the head of state, he or she should designate a senior member of the government to attend.

---

[3] See Addendum A on 'Country Eligibility for the Open Government Partnership'; see also the subsection 'OGP Observers' (above) and the 'Civil Society Participation in the Biannual Summit' subsection (below).

IV. OGP STEERING COMMITTEE, CO-CHAIRS, AND SUBCOMMITTEES

STEERING COMMITTEE

Purpose: The OGP Steering Committee (SC) is the executive, decision making body of the initiative. The main role of the SC is to develop, promote and safeguard the values, principles and interests of OGP. It also establishes the core ideas, policies, and rules of the partnership, and oversees the functioning of the partnership. It manages, in an open and transparent manner, the entry, rotation, and exit of OGP stakeholders. Under the leadership of its co-chairs, the SC plans and manages its major meetings and actions between meetings.

Functions: As an executive body and through its subcommittees, the SC does the following:
- Provides leadership by example for OGP in terms of domestic commitments, action plan progress, participation in the Biannual Summit, and other international opportunities to promote open government;
- Sets the agenda and direction of OGP, with principled commitment to the founding nature and goals of the initiative;
- Manages stakeholder membership, including eligibility and participation;
- Conducts ongoing outreach with both governments and civil society organizations;
- Provides intellectual and financial support, including through in-kind and human resource support; and
- Sets and secures the OGP budget.

Composition: Reflecting the joint government-civil society nature of the partnership, the SC is comprised of government and civil society representatives that together guide the ongoing development and direction of OGP, maintaining the highest standards for the initiative and ensuring long-term sustainability. The SC can consist of up to 22 Members (11 representatives from OGP participating governments and 11 civil society representatives), with parity maintained between the two constituencies.

OGP uses the United Nations Statistical Division regional breakdowns for the government Steering Committee election of new government members. A minimum of 1 and maximum of 4 governments can serve on the Steering Committee from each region at any one time (Africa, Asia, the Americas and Europe as defined by the United Nations Statistical Division).

Selection of Government Representatives: Each OGP participating government votes to elect new government SC representatives each year.

Selection of Civil Society Representatives: The civil society chairs will install a selection committee to organize the rotation of civil society representatives.

Candidacy: Governments and civil society organizations interested in being on the SC should apply through a prescribed form available on the OGP website and managed by the Support Unit. Each nomination must include details of the candidate government/organization, its track record in open government related issues, a statement of intent on how it plans to contribute to OGP's leadership, what strengths it would bring to the SC, and the time it is able to devote to the work of OGP. After review by the SC, a full list of candidate governments and civil society organizations is presented to each OGP constituency for election.

Terms and Rotation: SC membership terms are for three years, with a maximum of two consecutive terms. There are no permanent seats on the SC. SC members seeking a second term have to be reelected to stay on the SC. In 2014, the first time that government members will rotate, there will be a special election in which governments will join for staggered one, two, and three year terms to ensure regular annual rotation from 2015 onwards. The Steering Committee will transition each year on October 1. Both the outgoing and incoming members should be invited to attend the first SC meeting following the election of new members.

Meetings: The lead chair is responsible for organizing the Biannual Summit and at least three SC meetings per year: one ministerial-level and two working-level. The lead chair may call additional meetings as needed. The meeting directly after SC elections will include both outgoing and incoming SC members to help ensure a smooth transition. The lead chair is to give at least four weeks' notice before any working-level SC meeting and eight weeks' notice for a ministerial-level meeting. The Governance and Leadership Subcommittee sets the agenda for every SC meeting and circulates a draft for review by the entire SC at least two weeks in advance. SC members must provide notice of the composition of their delegation at least one week before the meeting.

Meeting Attribution and Publication of Meeting Materials: The minutes of SC meetings will be published, with remarks being non-attributable to participants. Meetings will take place under Chatham House Rule, but members may request exceptions to the rule in the minutes of the meetings.

Social media, including Facebook and Twitter, is allowed at all OGP SC meetings unless a closed session is requested by an SC member. Use of social media should follow the same rule of non-attribution to individual participants and photos of individuals should not be published unless authorized.

Pre-decision policy documents circulated for discussion at SC meetings may be published on the OGP website (along with agenda and participant lists) prior to the meeting, whenever possible, and are to be marked as drafts.

SC members can request a closed meeting prior to the start of the session. Following a closed session, SC members should decide on the details and method for public

disclosure of meeting minutes.

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

SC members may not vote by proxy if they are unable to attend voting sessions. Members may elect to bring guest observers to SC meetings, with prior approval from the Governance and Leadership Subcommittee. Such guest observers cannot participate in voting.

Conflicts of Interest: In general, participants in the SC shall strive to avoid any actual or potential conflict of interest and to recuse themselves from making any decision where self-interest is involved. An external auditor is to serve the role of ombudsman to handle complaints and concerns related to the finances and budget execution of OGP by the SC and/or its members. Any complaint regarding a conflict of interest related to any subcommittee or participant of the SC will be addressed by the Governance and Leadership Subcommittee, except for complaints regarding the Governance and Leadership Subcommittee, which will be addressed by the entire SC.

Expectation of Steering Committee Members: SC members are expected to demonstrate their commitment to the principles of OGP through their participation in the international initiative and their domestic environment. They carry a special onus for leadership by example for the entire OGP community. Should a SC government participant no longer be eligible, the same process for review of participation is to be followed as described in Section II.

OGP Steering Committee Rotation: The selection process for new members of the OGP SC takes place once a year and is to be completed by October. The vote for government members will take place by secret ballot. A separate selection process for civil society members will be coordinated by the civil society chairs. The overall election process will be administered by the Support Unit and overseen by the chairs.

For the purposes of electing new SC representatives, OGP is divided into two separate constituencies: governments and civil society organizations. Each constituency elects its own members.

The SC is to hold an open nominations process for both government and civil society representatives that are interested in sitting on the OGP SC, with transparent and detailed criteria identifying how the SC will vet all nominations. Taking into consideration the full

suite of country and CSO nominations after the vetting process, the SC is responsible for ensuring regional diversity in the composition of the final candidate list that is put forth for voting to OGP stakeholders.

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

In addition to the above requirements, current SC members running for reelection must have the following:
4. Provided financial support to OGP (except in cases of extreme financial hardship); and
5. Regularly attended and participated actively in SC meetings and subcommittee meetings.

In the case of government representation, the SC should be comprised of a minimum of one and a maximum of four governments from each of the four regions (Africa, Americas, Asia and Europe). All OGP participating governments participate in the election of all government SC members. Each participating government has one vote. If there are insufficient candidates from each region to meet the regional quotas then the government with the next highest number of votes will join the SC, regardless of region.

In the case of civil society representatives, the selection committee will consist of five members, including two current civil society members of the SC and three other members of the civil society community. The selection committee will assess and rank the candidates that respond to a call for nominations according to publicly available criteria that have been shared with the civil society community at the start of the rotation process. The selection committee will make recommendations for the new civil society SC members, to be endorsed by the full group of existing civil society SC members. After the civil society SC members approve the final list of proposed new members, the selection committee will present in writing an account of their process, deliberation, and choice to the broader community. The civil society chairs inform the SC at the same time of their choice.

OGP STEERING COMMITTEE CHAIRS

Composition: SC leadership is to be comprised of a revolving four-member co-chairmanship team, elected by the entire SC, including a lead government chair, a support (or incoming) government chair, and two civil society chairs. The support government chair assumes the role as lead chair during their second year, when a new support chair is to serve. The four chairs, who comprise the Governance and Leadership Subcommittee, should not supplant the role and influence of the other sub-committees. A civil society chair may not serve as the lead chair. The year following their chairing, the immediate

past lead government and civil society chairs are expected to play an advisory role to the co-chairs.

Responsibilities: The SC chairs are responsible for:

Leadership: Safeguard the values and spirit of OGP, including the strategic collaboration and balance between civil society and governments and the vertical accountability of OGP between a government and its citizens. This includes overseeing and ensuring necessary resources for the Support Unit.

Outreach: Build CSO and government participation in OGP by leveraging respective global and local networks. This includes leading in the initial set-up of multilateral partnerships and being the entity that enters into contractual relationships on behalf of OGP.

Representation: The lead chair speaks on behalf of OGP as a whole at key fora and with media. In concert with the lead chair, the support chair and the CSO chairs may also represent OGP. The CSO chairs are not to speak on behalf of governments unless explicitly authorized, and the government chairs are not to speak on behalf of civil society unless explicitly authorized. The Support Unit Executive Director, or his/her appointee from the Support Unit, may also speak on behalf of OGP at events or with media.

Coordination: The Governance and Leadership Subcommittee, which is made up of the four chairs, is to hold regular consultations in between OGP meetings to coordinate country outreach efforts, plan meetings, and otherwise further the interests of OGP.

Election and Rotation: The chairs are elected by their SC peers. Candidates that receive the most number of votes are elected. Participating governments may nominate themselves or each other to become the next OGP chair by making their nomination known to the current OGP chairs no later than March of the relevant year. The OGP chairs then are to consult, taking into consideration factors including regional diversity, government capacity, and electoral timelines. The chairs are to recommend new chairs for the next two-year cycle no later than May of the relevant year. The SC then is to aim to achieve consensus on the chairs' rotation recommendation or, if necessary, to vote.

Starting in September 2012, SC chairs are to rotate on an annual basis, with each chair serving a two-year term: the first year as a support chair, followed by one year as the lead chair for their respective constituency. SC chairs are to be designated every two years for the subsequent two-year cycle.

STEERING COMMITTEE SUBCOMMITTEES

The SC has three standing subcommittees to support its work. Subcommittees are charged with carrying out preliminary work to inform decisions taken by the entire SC.

Subcommittees make recommendations to the full SC for decision, unless provided for otherwise in these Articles or delegated to do so by the SC. The SC may choose to form additional subcommittees as needed. Each standing subcommittee is comprised of equal numbers of government and civil society representatives drawn from the larger SC.

The standing subcommittees are as follows:

Governance and Leadership

The Governance and Leadership Subcommittee (GL) serves as the executive committee, comprising of the four OGP chairs. It ensures continuous management of OGP, making decisions and keeping processes moving in a timely manner. It provides oversight of the OGP Support Unit and the effectiveness of OGP subcommittees. GL appoints the Executive Director of the Support Unit, provides strategic direction, and works closely with him/her to ensure that the Support Unit has sufficient resources and to present an annual budget to the SC for review and approval. GL reviews subcommittee membership and mandates on an annual basis to ensure the smooth functioning of the SC and an appropriate distribution of responsibilities.

Criteria and Standards

The Criteria and Standards Subcommittee (CS) recommends to the SC the eligibility criteria for OGP governments and indicates to SC when there may be a need to update the criteria. It makes recommendations to SC when a government's actions are deemed contrary to OGP principles and its full participation in OGP is in question. It develops guidelines for government self-assessment reports and other best practices. It maintains a watching brief over the IRM to ensure that the International Expert Panel (IEP), project management team, and local researchers are able to deliver high quality and accurate reports. This includes providing input for the selection of members of the IEP and the hiring of the IRM Program Manager.

Peer Learning and Support

The Peer Learning and Support Subcommittee (PLS) oversees OGP's strategy for country support and peer learning, in particular on promoting peer exchanges across OGP countries. Key mechanisms for peer exchange include OGP regional events, webinars, and thematic working groups, as well as resource materials to be shared on the OGP website. Governments and civil society organizations are encouraged to participate in these activities, and both can suggest the creation of new thematic working groups to the SC. PLS members are encouraged to assume leadership roles in organizing some of these activities, particularly in terms of OGP outreach events in their own regions. In addition, PLS is tasked with overseeing efforts to study and to document OGP's results, for example through case studies and impact research. The PLS will oversee the aspects of the multilateral organization partnerships that promote peer exchange and learning.

V.   OGP SUPPORT UNIT

OGP is supported by a small permanent secretariat. The Support Unit provides a secretariat function for all participating countries and has the following responsibilities: maintaining institutional contacts and memory, managing brand and communications, and ensuring the continuity of organizational relationships with core OGP institutional partners and donors. The Support Unit serves as a neutral, third-party between governments and civil society organizations, ensuring that OGP maintains the productive balance between the two constituencies.

The Executive Director of the Support Unit is responsible for carrying out a work plan developed in close coordination with the GL and reports to the SC through the GL. Support Unit staff report to the Support Unit Executive Director. The Executive Director of the Support Unit, or his/her appointee from the Support Unit, serves as secretary to SC and Subcommittees meetings, as well as the OGP Biannual Summit.

The Support Unit keeps records of all OGP documents, including minutes of every OGP SC meeting, Biannual Summit, and other related events. All minutes are to be published on the OGP website, per the disclosure policy adopted by the SC. The Support Unit provides regular updates for the SC, funders, and OGP stakeholders, and it publishes an annual report on the website. It is also responsible for managing the master list of OGP stakeholders and their contact information.

The Support Unit manages all external communications for OGP, working closely with the GL when questions arise.

In addition, the Support Unit will assume responsibility for providing targeted support to OGP participating governments to help connect them with the expertise, resources, and technology they need to develop and implement their OGP commitments. This may include, *inter alia,* partnering with the private sector, civil society, academics, governments, and others to develop tools and frameworks to assist OGP participating countries in developing and implementing innovative and effective open government commitments.

VI.   OGP REPORTING PROCESSES

Action plans should be for a duration of two years, although individual commitments contained in these action plans may be for more or less than two years, depending on the nature of the commitment. However, each action plan should include one-year and two-year benchmarks, so that governments, civil society organizations, and the IRM (see below), have a common set of time-bound metrics to assess progress. As living documents, action plans may be updated as needed based on ongoing consultations with civil society. Any updates must be duly noted in the official version of the action plan on the OGP website.

All OGP participating governments are to publish a midterm self-assessment report at most three months after the end of the first year of action plan implementation. This report should follow OGP guidelines in assessing the government's performance in

meeting its OGP commitments, according to the substance and timelines set out in its national action plan. This report should be made publicly available in the local language(s) and in English. It should be published on the OGP website. An end of term self-assessment report will be required after two years of action plan implementation.

IRM: As a complement to the participating government's self-assessment report, an independent progress report is to be written by well-respected governance researchers, preferably from each OGP participating country. These researchers are to use a common OGP independent progress report instrument and guidelines, based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is to be shared with a small International Experts Panel (appointed by the SC) for peer review to ensure that the highest standards of research and due diligence have been applied. The draft report is then shared with the relevant OGP government for comment. After receiving comments on the draft report from each government, the researcher and the International Experts Panel finalize the independent progress report for publication on the OGP portal. OGP participating governments may also issue a formal public response to the independent report on the OGP portal once it is published. The executive summary of the independent progress report is to be made publicly available in the local language(s) and in English.

Independent Reporting Mechanism Charter (Addendum G) serves as the governing document for the IRM and was approved by the OGP Steering Committee at its September 2014 meeting in New York.

VII. FUNDING

OGP is a voluntary, multi-stakeholder initiative. It is funded through monetary support from OGP participating governments and grants from other public and private donors.

All OGP participating governments are expected to make annual financial contributions to fund the Support Unit and IRM. As agreed by the OGP Steering Committee, a country's income level determines the level of the required contribution. The income level is derived from the World Bank's income classification.

Governments that for two successive years have not made financial contributions to OGP at or above the minimum amount for their income tier will not be eligible to run for a seat on the OGP Steering Committee or participate in any formal vote of OGP participants, unless there are exceptionable circumstances. This exception would be if the Support Unit, in consultation with the Governance and Leadership subcommittee, determines that there are legitimate reasons for a government's failure to contribute that the government is making a concerted effort to overcome. While all participating governments are expected and encouraged to contribute, failure to make a financial contribution will not result in the suspension of a government's membership in OGP or any of its committees, nor will it affect said government's ability to participate in OGP events.

While payments may be made on an annual basis, multiyear commitments are also

possible. To cover costs attributable to meeting its responsibilities set out in Section V, OGP shall also solicit voluntary financial or in-kind contributions from governments and private funders.

The independent entity legally houses the OGP Support Unit shall serve as the fiscal sponsor for OGP, employ all staff, and accept all financial contributions from donors on behalf of OGP.

OGP's bank account(s) is held and managed by the same independent entity. The OGP Support Unit Executive Director has signature authority, overseen by the GL. The OGP account(s) may be used for any activity falling within the objectives of OGP and the budget and work plans approved by the SC. The funds may be applied to administration and governance costs, country-specific activities and multi-country activities.

Beginning in 2014, OGP's fiscal sponsor shall each year appoint an external, independent auditor to audit the financial statements of the OGP Support Unit and IRM. The auditor will present a written audit report to the SC. The audited financial statement and report is to be made public on OGP's website.

VIII. DISCLOSURE POLICY

OGP operates on a presumption of openness in all of its activities. The disclosure policy outlined in Addendum E applies to all information held by or on behalf of the OGP Support Unit, SC, and subcommittees, and it must favor openness over any approach which advocates secrecy.

IX. MODIFICATIONS

This document is to be reviewed by the SC, with the assistance of the Support Unit, on an annual basis and may be modified by consensus vote of the SC.

X.   ADDENDA

ADDENDUM A: COUNTRY ELIGIBILITY FOR THE OPEN GOVERNMENT PARTNERSHIP

To participate in OGP, governments are to 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.

The key dimensions and metrics are as follow:

1. Fiscal Transparency

Timely publication of essential budget documents form the basic building blocks of budget accountability and an open budget system.

Measurement: Two points awarded for publication of each of two essential documents (Executive's Budget Proposal and Audit Report) for open budgets, using the most recently published version of the Open Budget Survey conducted by the International Budget Partnership (the 2012 version covers 100 countries).

2. Access to Information

An access to information law that guarantees the public's right to information and access to government data is essential to the spirit and practice of open government.

Measurement: Four points awarded to countries with access to information laws in place, three points if a country has a constitutional provision guaranteeing access to information, and one point if a country has a draft access to information law under consideration, taken from a survey by Right2Info.org (a collaboration of the Open Society Institute Justice Initiative and AccessInfo Europe) that covers 197 countries and is updated on a rolling basis.

3. Disclosures Related to Elected Public Officials

Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government. It is also important to make the data publicly available.

Measurement: 4 points awarded to countries with a law requiring disclosure, and has any requirement that the information should be accessible to the public, 2 points awarded to countries with a law requiring asset disclosures, 0 points for no law on asset disclosure. The source for the information on asset disclosures is the World Bank's Public Officials

Financial Disclosure database, which is updated on a rolling basis. The database is supplemented by a published survey the World Bank conducts every two years.

4. Citizen Engagement

Open Government requires openness to citizen participation and engagement in policymaking and governance.

Measurement: Using the Civil Liberties sub-indicator of the most recent version of the Economist Intelligence Unit's Democracy Index, where 10 is the highest and zero is the lowest score, four points awarded for countries scoring above 7.5, three points awarded for countries scoring above five, two points awarded for countries scoring above 2.5, and zero points otherwise. The most recent edition of the Democracy Index (2012 edition, published in March 2013) covers 167 countries.

Countries can earn a total of 16 points for their performance against these minimum standards of open government. As some of the metrics, in particular the Open Budget Survey, do not cover all countries, some countries are only measured on three criteria (and can earn up to 12 points). To participate in OGP, countries must score at least 75% of the total possible points available to them (e.g. 12 out of 16 or 9 out of 12).

Because data is not available for all countries – and recognizing the fact that countries may improve their performance before data sources are updated – countries may submit a letter to the chairs at any time indicating their desire to join OGP and providing documentation of their progress on the common commitments.

The CS is to periodically assess if the metrics used for the eligibility criteria (all four key dimensions) need to be updated, changed, or complemented by other indicators. The SC and the IRM are to also work to identify and/or develop better metrics for the eligibility criteria as necessary.

All OGP participating governments are to develop OGP national action plans that elaborate concrete commitments over a two-year period.

Governments should begin their OGP national action plans by sharing existing efforts related to their chosen grand challenge (s), including specific open government strategies and ongoing programs. Action plans should then set out governments' OGP commitments, which stretch 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. Commitments in country action plans should be ambitious in nature. An ambitious commitment is defined as one that, once completed, will show a demonstrable advancement from action plan to action plan in the grand challenge areas proposed by OGP through openness, transparency, civic participation, and accountability. In the context of pre-existing commitments, ambition is defined as expediting the time frame for completion of the stated goals of a commitment.

OGP recognizes that all countries start from different baselines. Countries are charged with selecting the grand challenges and related concrete commitments that most relate to their unique country contexts. No action plan, standard, or specific commitments are to be forced on any country.

The five OGP grand challenges are:

1. Improving Public Services—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation

2. Increasing Public Integrity—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom

3. More Effectively Managing Public Resources—measures that address budgets, procurement, natural resources, and foreign assistance

4. Creating Safer Communities—measures that address public safety, the security sector, disaster and crisis response, and environmental threats

5. Increasing Corporate Accountability—measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, all OGP commitments should

reflect four core open government principles:

Transparency: Government-held information (including on activities and decisions) is open, comprehensive, timely, freely available to the public, and meets basic open data standards (e.g. raw data, machine readability) where formats allow.

Citizen Participation: Governments seek to mobilize citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance.

Public Accountability: Rules, regulations, and mechanisms in place 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.

Technology and Innovation for Transparency and Accountability: Governments embrace the importance of providing citizens with open access to technology, the role of new technologies in driving innovation, and increasing the capacity of citizens to use technology.

Governments may focus their commitments at the national, local and/or sub-national level and any branch of government—wherever they believe their open government efforts will have the greatest impact.

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.

To encourage the sharing of best practice and innovation and to maintain high standards, all OGP countries are to participate in working level sessions with other participating governments and the SC during the action plan development phase.

Through these presentations and discussions, governments with initially less ambitious proposals are to be able to identify gaps and address them early on. Peer consultation sessions also are to enable participants to identify the need for additional feedback from relevant technical experts on specific commitment areas, which the OGP networking mechanism can help facilitate.

ADDENDUM C: GUIDELINES FOR PUBLIC CONSULTATION ON COUNTRY COMMITMENTS

OGP participants commit to developing their country action plans through a multistakeholder process, with the active engagement of citizens and civil society. Taking account of relevant national laws and policies, OGP participants agree to develop their country commitments according to the following principles:

i. Consultation during development of action plan
- Availability of timeline: Countries are to make the details of their public consultation process and timeline available (online at a minimum) prior to the consultation;
- Adequate notice: Countries are to consult the population with sufficient forewarning;
- Awareness-raising: Countries are to undertake OGP awareness-raising activities to enhance public participation in the consultation;
- Multiple channels: Countries are to consult through a variety of mechanisms— including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage;
- Breadth of consultation: Countries are to consult widely with the national community, including civil society and the private sector, and to seek out a diverse range of views; and
- Documentation and feedback: Countries are to make available online a summary of the public consultation and all individual written comment submissions.

ii. Consultation during implementation
- Consultation during implementation: Countries are to identify an existing or new forum to enable regular multistakeholder consultation on OGP implementation.

Countries must report on their consultation efforts as part of their self-assessment reports, and the IRM also is to examine the application of these principles in practice.

Open Government Declaration
September 2011

As members of the Open Government Partnership, committed to the principles enshrined in the Universal Declaration of Human Rights, the UN Convention against Corruption, and other applicable international instruments related to human rights and good governance:

We acknowledge that people all around the world are demanding more openness in government. They are calling for greater civic participation in public affairs, and seeking ways to make their governments more transparent, responsive, accountable, and effective.

We recognize that countries are at different stages in their efforts to promote openness in government, and that each of us pursues an approach consistent with our national priorities and circumstances and the aspirations of our citizens.

We accept responsibility for seizing this moment to strengthen our commitments to promote transparency, fight corruption, empower citizens, and harness the power of new technologies to make government more effective and accountable.

We uphold the value of openness in our engagement with citizens to improve services, manage public resources, promote innovation, and create safer communities. We embrace principles of transparency and open government with a view toward achieving greater prosperity, well-being, and human dignity in our own countries and in an increasingly interconnected world.

Together, we declare our commitment to**:**

Increase the availability of information about governmental activities. Governments collect and hold information on behalf of people, and citizens have a right to seek information about governmental activities. We commit to promoting increased access to information and disclosure about governmental activities at every level of government. We commit to increasing our efforts to systematically collect and publish data on government spending and performance for essential public services and activities. We commit to pro-actively provide high-value information, including raw data, in a timely manner, in formats that the public can easily locate, understand and use, and in formats that facilitate reuse.

We commit to providing access to effective remedies when information or the corresponding records are improperly withheld, including through effective oversight of the recourse process. We recognize the importance of open standards to promote civil society access to public data, as well as to facilitate the interoperability of government information systems. We commit to seeking feedback from the public to identify the

information of greatest value to them, and pledge to take such feedback into account to the maximum extent possible.

Support civic participation. We value public participation of all people, equally and without discrimination, in decision making and policy formulation. Public engagement, including the full participation of women, increases the effectiveness of governments, which benefit from people's knowledge, ideas, and ability to provide oversight. We commit to making policy formulation and decision making more transparent, creating and using channels to solicit public feedback, and deepening public participation in developing, monitoring and evaluating government activities. We commit to protecting the ability of not-for-profit and civil society organizations to operate in ways consistent with our commitment to freedom of expression, association, and opinion. We commit to creating mechanisms to enable greater collaboration between governments and civil society organizations and businesses.

Implement the highest standards of professional integrity throughout our administrations. Accountable government requires high ethical standards and codes of conduct for public officials. We commit to having robust anti-corruption policies, mechanisms and practices, ensuring transparency in the management of public finances and government purchasing, and strengthening the rule of law. We commit to maintaining or establishing a legal framework to make public information on the income and assets of national, high ranking public officials. We commit to enacting and implementing rules that protect whistleblowers. We commit to making information regarding the activities and effectiveness of our anticorruption prevention and enforcement bodies, as well as the procedures for recourse to such bodies, available to the public, respecting the confidentiality of specific law enforcement information. We commit to increasing deterrents against bribery and other forms of corruption in the public and private sectors, as well as to sharing information and expertise.

Increase access to new technologies for openness and accountability. New technologies offer opportunities for information sharing, public participation, and collaboration. We intend to harness these technologies to make more information public in ways that enable people to both understand what their governments do and to influence decisions. We commit to developing accessible and secure online spaces as platforms for delivering services, engaging the public, and sharing information and ideas. We recognize that equitable and affordable access to technology is a challenge, and commit to seeking increased online and mobile connectivity, while also identifying and promoting the use of alternative mechanisms for civic engagement. We commit to 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. We also recognize that increasing access to technology entails supporting the ability of governments and citizens to use it. We commit to supporting and developing the use of technological innovations by government employees and citizens alike. We also understand that technology is a complement, not a substitute, for clear, useable, and useful information.

We acknowledge that open government is a process that requires ongoing and sustained commitment. We commit to reporting publicly on actions undertaken to realize these principles, to consulting with the public on their implementation, and to updating our commitments in light of new challenges and opportunities.

We pledge to lead by example and contribute to advancing open government in other countries by sharing best practices and expertise and by undertaking the commitments expressed in this declaration on a non-binding, voluntary basis. Our goal is to foster innovation and spur progress, and not to define standards to be used as a precondition for cooperation or assistance or to rank countries. We stress the importance to the promotion of openness of a comprehensive approach and the availability of technical assistance to support capacity- and institution-building.

We commit to espouse these principles in our international engagement, and work to foster a global culture of open government that empowers and delivers for citizens, and advances the ideals of open and participatory 21st century government.

Proactive Disclosure of Information: As part of its presumption of openness, OGP proactively publishes online an extensive set of information it holds, in significant detail and in original form. This information is made available, whenever possible, in open, user-friendly, machine-readable formats. Everyone is free to use information generated by OGP, subject only to a Creative Commons 3.0 Unported License.

The information that is to be made available proactively includes:

Financial support:
- Donors: *All financial contributors to OGP, including contributions from both governments and private foundations.*
- Amounts: *The full amount of funding received from donors on a disaggregated basis (donor by donor).*
- Time frame: *The grant period associated with each donor's financial contribution.*
- Annual budget/expenses: *The annual OGP budget—as approved by the OGP GL subcommittee and larger SC—disaggregated by category and type of expenditure.*

Governance:
- Governance structure and policies.
- Names, titles, and affiliations of SC and subcommittee members.
- SC meeting, subcommittee meeting, and OGP event dates: *This information is to be made available on the OGP website calendar as soon as it is known.*
- SC meeting and OGP event agendas: *This information is to be made public in draft form at least two weeks prior to every OGP SC meeting and/or event, whenever possible. A final agenda is to be posted immediately following the meeting.*
- SC meeting, subcommittee meeting, and OGP event participants*: This information is to be made public in draft form at least two weeks prior to every OGP SC meeting and/or event, whenever possible. A final participant list is posted immediately following the meeting.*
- SC meeting and OGP event minutes/summaries: *This information is to be published within two weeks of the relevant meeting/event, whenever possible.*
- Policies and documents approved by the SC: *This information will be published within two weeks of the relevant meeting/event, whenever possible.*
- Tax filing of OGP's fiscal sponsor: *This information is to be made public immediately following the preparation and submission of tax documentation to the U.S. Government each year.*
- Annual audit report: *This information is to be made public immediately following the approval of the final audit report by the OGP SC each year.*

Implementation and related activities:
- Names of all OGP participating governments and associated letters of intent: *This information is to be posted within one week of receiving the letter of intent from a new country.*

- Government self-assessment reports: *Reports are to be made public for each country no later than three months after the first full year of OGP implementation, and every two years thereafter, based on guidelines communicated by the Support Unit.*
- Independent Reporting Mechanism: *Assessments are to be made public for each country no later than four months after the first full year of OGP implementation (with the exception of the founding eight countries, for which IRM reports are to be made public in September 2013). After the first round of IRM reports for each country, the IRM will move to a biannual calendar, and all reports will be made public on the OGP website.*

Operations:
- Names and titles of all staff members for the OGP Support Unit and Independent Reporting Mechanism.
- Vendors and costs for OGP contracts: *This information is to be made public on a rolling basis no later than 30 days after the contract has been signed. The name and location of the vendor, a brief description of the project and the estimated/total cost is to be included.*

Information:
- A list of all of the records, including documents and datasets, held by OGP.
- Information released to anyone pursuant to a request.
- A log of all requests for information and responses.
- All comments provided in response to a call for feedback on draft policies or other documents.

Requests for Information: Everyone, including legal entities, may make a request for information from the OGP. Information requests may be made via the online contact form, by mail, or via email **(info@opengovpartnership.org)**. They are handled by the OGP Support Unit Executive Director, unless directed to another individual, in which case they are to be forwarded to him or her as appropriate. Requests need only describe the information sought with enough specificity that staff can reasonably identify that information and provide a return address for provision of the information (which may be an email). The public is free to lodge information requests, and requesters are to be provided with a prompt receipt and unique reference number upon lodging a request.

Where a requester is having difficulty lodging a request for any reason (such as disability or illiteracy), or where a request fails to describe the information sought in sufficient detail, the OGP Support Unit is to provide reasonable assistance to that requester.

Requests may be for information and/or specific records. OGP does not commit to collecting information to respond to a request, but it plans to make all reasonable efforts to collate information from records it does hold, subject only to workload constraints (i.e. where this would unreasonably interfere with the ability of the organization to carry out its core functions).

Requests are to be responded to as soon as possible and in any case within ten working days. When information is to be provided, requesters may specify any format in which they would like to receive the information and OGP will, so far as this is reasonable, provide the information in that format. No charges are made for information provided electronically, for the first 100 pages of photocopying, when the request is in the public interest, or when the requester can demonstrate difficulty in paying for the information. For photocopies beyond the first 100 pages, a fee of 3¢/page is to be charged, provided that this fee is to be waived where the cost of collection exceeds the fee or where there are problems making payments.

Requesters are free to use information released to them by OGP which was created by OGP, subject only to the constraints set out in the Creative Commons 3.0 Unported License.

Feedback on Draft Policies: OGP intends to actively seek public feedback on draft policies that relate to the overall practices of the initiative (such as this OGP Information Disclosure Policy). These policies are to be published online and whenever possible (resources allowing) in relevant languages with due notice and a minimum of 30 days for the public to comment. All comments are to be made public, along with the final version of any document under public consultation.

For any draft documents that are submitted to the SC for discussion and approval but not subject to prior public consultation (for example, internal governance protocols for the OGP SC), the final document is to be published promptly on the OGP website.

Exceptions to Full Disclosure: The OGP is committed to having a fully transparent and proactive disclosure system. However, certain information may be considered confidential and not available to the public, but only for such period of time as one of the following exceptions applies:

- Information received by OGP from a third party on a confidential basis, the disclosure of which would, or would be likely to, cause serious harm to a legitimate interest of that third party (such as a commercial or security interest);
- Information which, if disclosed, would do identifiable harm to the safety or security of an individual or violate his or her right to privacy;
- Information which, if disclosed, would demonstrably inhibit free and frank policy dialogue internally or with governments, donors, communities, or partners;
- Information which is privileged from production in legal proceedings (legally privileged information);
- Pre-decision policy documents, whose disclosure would seriously frustrate the success of that policy.

These exceptions, apart from the second exception, are to no longer apply after five years. In exceptional cases, where specific and persuasive reasons for this are given, information may remain confidential beyond this five-year period. When the overall

public interest in disclosure is greater than the risk of harm to the interests protected by the exceptions, OGP intends to disclose the information.

When only part of a record is covered by an exception, the rest of the record, to the extent that it may reasonably be severed from the remainder, is to be made available.

In the rare cases where OGP is unable to satisfy an information request, it should, within the time limits for responding to requests set out above, provide a clear justification as to why it is unable to provide information, referring to the specific exception relied upon, along with information about appealing against that refusal. OGP may refuse repetitive or vexatious requests.

Appeals: Anyone who believes that the terms of this policy have not been respected, including when access to information is refused in response to a request, may lodge an appeal with the full SC, within 30 days of the act giving rise to the appeal. The SC is to decide such appeals within 30 days, giving the complainant an opportunity to be heard, provided that appeals that are on the judgment of the SC are clearly groundless may be disposed of in a summary fashion.

The SC is to appoint a respected panel of three external experts to hear appeals against adverse decisions by the SC. Such appeals are to be lodged within 30 days and the panel is to decide them within 45 days following this.

Languages: While OGP recognizes the necessity of using multiple languages to support full participation in a multilateral initiative, due to the limitations of start-up, staffing, and funding, the public OGP website uses English as its primary language in the near term. Key documents are to be published in this language and whenever possible the Support Unit intends to also translate key documents into Portuguese, French, and Spanish. OGP also encourages participating governments and like-minded organizations to undertake translations of OGP materials to be shared on the OGP website with appropriate credits and disclaimers.

Promotional Measures: The OGP intends to incorporate performance in terms of applying this policy into all of its staff and management appraisal systems. It also commits to not imposing punishments or sanctions on staff that release information either in good faith pursuant to the policy or in the reasonable belief that the information exposes wrongdoing.

The OGP Support Unit Executive Director or another dedicated officer is to be responsible for ensuring proper implementation of this policy, ensuring that proactive publication commitments are met and that requests are processed in accordance with its terms.

OGP is to produce an annual report, which is to include an update on the implementation of this policy. This update is to outline the efforts OGP has made in the areas of proactive disclosure and responding to requests (including any statistical information about

requests such as how many have been lodged, how they have been responded to, and so on) and describe any challenges faced.

Policy on Upholding the Values and Principles of OGP, as articulated in the Open Government Declaration

Agreed by the OGP Steering Committee on September 25th, 2014

Rationale:

OGP has grown quickly in size since its launch in September 2011, to 65 participating countries as of September 2014. This reflects the momentum and interest in open government reform around the world, and the recognition of OGP as a voluntary vehicle for government - civil society engagement and exchange of ideas. To maintain the organization's credibility – and safeguard its long-term future – it is important that participating countries uphold OGP values and principles, as expressed in the Open Government Declaration and in the Articles of Governance.

The OGP Articles of Governance ask the Criteria and Standards subcommittee to make a recommendation to the Steering Committee when a review of a country's participation in OGP is necessary. This includes when countries are '*taking actions that undermine the values and principles of OGP'*. This is in addition to triggers relating to changes in a country's eligibility score or IRM report findings. Countries are only eligible to become an OGP participant – and remain a participant – if they can demonstrate a degree of budget transparency, access to governmental information, asset disclosure, and citizen engagement. Participating governments are also expected to strive to meet their own open government commitments in their National Action Plans, which are assessed by the IRM.

All participating governments are to endorse the Open Government Declaration to become full participants in OGP. While adherence to the Open Government Declaration is done on a non-binding, voluntary basis, and with recognition that countries are at different stages in their efforts to promote openness in their governments and that each pursues an approach consistent with its national priorities, circumstances and the aspirations of its citizens, the Declaration includes a commitment to '*protecting the ability of not-for-profit and civil society organizations to operate in ways consistent with our commitment to freedom of expression, association, and opinion*'. In addition, OGP's theory of change in the 2015-18 strategy document highlights the importance of having an engaged civil society with the space to participate and influence National Action Plans.

On principle OGP favors positive interventions to ensure this engagement takes place, but considerable evidence points to the space for CSO activities decreasing in a wide range of countries, including in some OGP participating countries. This trend has worrying implications for OGP.

This policy of reacting to actions that contradict the Open Government Declaration is thus designed to uphold the pre-existing commitments that OGP participating countries have made, but without imposing any additional requirements. The aim is to take actions that:

a) Assist the country in question to overcome difficulties and to help re-establish an environment for government and civil society collaboration, and
b) Safeguard the Open Government Declaration and mitigate reputational risks to OGP.

How to trigger an inquiry into whether an OGP participant country is acting in a manner that undermines OGP values and principles:

There are three main ways in which an inquiry can be triggered in the Criteria and Standards subcommittee under this response policy:

1. A Steering Committee member – government or civil society – brings to the attention of the chair of Criteria and Standards concerns, including details on which country and why.
2. One of the official OGP multilateral partners or Working Groups co-anchor brings to the attention of the OGP Steering Committee or Support Unit concerns, including details on which country and why.
3. The OGP Steering Committee or Support Unit receives a letter of concern from a civil society, not-for-profit organization, or media organization involved in OGP at the national or international level, including details on which country and why.

The process of establishing the relevance of a concern:

Once a concern has been registered through one of the correct channels, it is the responsibility of the Criteria and Standards subcommittee, working with the OGP Support Unit, to establish what – if any – action should be taken. The first phase of this process is an evaluation of the merits of the concern. This is to be carried out by the OGP Support Unit with member(s) of the Criteria and Standards subcommittee, both from government and civil society, and is to include the following steps:

1. Establish the veracity of the information by cross-referencing concerns with government, civil society, IRM researchers and third parties, including UN bodies, according to the nature of the issue.
2. Establish the relevance of the concern to the Open Government Declaration and OGP's Articles of Governance – i.e., is the matter being reported directly undermining fulfillment of the nation's commitment to OGP principles, thereby calling into question the process of its OGP participation.
3. Check with previous OGP data points, such as cross-referencing with the findings of the most recent IRM report on the country, including the national context section.

4. Assess whether an OGP intervention could have the desired impact in a country or is necessary to protect the credibility of OGP.

The OGP Support Unit can then write a letter to the OGP point of contact in the country identified for review, asking for a response to the concern. If the response from the country satisfies the Criteria and Standards subcommittee and indicates that the issue is being addressed domestically, then no further action may be needed. The letter and the response from the country are to be included in a short report that the Support Unit is to circulate among the Criteria and Standards subcommittee for further comment and deliberation. A list of all sources of information used in the process is to be included in the report. If a consensus cannot be reached, a vote may be taken in the Criteria and Standards subcommittee on whether to adopt the report. . A two-third majority is required when a vote is taken. This process of evaluation and deliberation in the Criteria and Standards subcommittee should take no longer than 20 working days.

The types of issues that may form a relevant concern:

Over time, the Criteria and Standards subcommittee is to build up a list of factors and measurements for what issues should be considered relevant to OGP. The Criteria and Standards subcommittee is to, in due time, publish this list of factors to consider what types of concerns are deemed sufficiently relevant for consideration. In the initial implementation of this policy the subcommittee should adopt a flexible, case-by-case approach to the various concerns that may be raised. Some of the types of issues that have been previously raised in concerns to the Steering Committee as damaging to the OGP process in a country may include (but are not limited to):

- Introduction of new/revised policies or actions that significantly reduce access to information for citizens and civil society.
- Introduction of new/revised policies or actions that significantly reduce the space for non-governmental organizations to work independently, voice critiques, and/or receive funding from domestic or international sources (e.g. new NGO laws).
- Manipulation of the OGP process by governments in terms of civil society participation (e.g. only inviting GONGOs to participate in consultations).
- Introduction of new/revised policies, laws, or practices, or actions, that significantly reduce enjoyment of fundamental freedoms, notably freedoms of expression and peaceful assembly, and freedom to associate.
- Introduction of new/revised policies or actions that significantly reduce online or offline media freedom, or threaten media ownership and independence.

The process of acting on a concern:

Once a concern is found to have merit by the Criteria and Standards subcommittee, a short notice is to be circulated to the OGP Steering Committee informing the group of the

decision. The following stage 1 actions can then be carried out by members of the Criteria and Standards subcommittee, the co-Chairs, the OGP Support Unit, and other interested Steering Committee members, without the approval of the full Steering Committee:

1. Engage in or broker diplomatic outreach to the government concerned at the official and/or political level, including from the co-chairs.
2. Write an official letter from the Support Unit to the OGP point of contact in the country informing them that the Criteria and Standards subcommittee adopted the report on the concern (the point of contact should already have been informed by the Support Unit that a concern was being investigated).
3. Offer to broker technical assistance to work on the issues raised in the concern.
4. Contact multilateral partners active in the country to help address the issues raised in the concern.
5. Invite the OGP point of contact in the country to work with the Criteria and Standards subcommittee in establishing a work plan and a timeline for the country to address the situation, where applicable.

Assistance offered by the Support Unit or by multilateral partners of OGP is to be carried out according to the Open Government Declaration and the Articles of Governance, and, therefore, should not be based on standards as a precondition for assistance or engage in ranking countries.

If the stage 1 interventions fail to have the desired impact, or the situation does not improve within three months (even after the establishment of a work plan and a timeline where applicable), the Criteria and Standards subcommittee is to recommend to the full OGP Steering Committee that one of the following stage 2 actions take place:

1. Recommend that the OGP co-chairs invite the government principal to attend a special session of the Steering Committee to discuss the situation and consequences for the country's participation in OGP.

2. Recommend the OGP co-chairs author a letter to the country informing them they are to be temporarily listed as inactive in OGP until the concern is resolved.

If a government becomes temporarily inactive it is not be entitled to claim back its dues to OGP for the current financial year.

All the response policy steps are to be carried out in accordance with OGP's disclosure policy.

Roles and Responsibilities of official OGP bodies:

Criteria and Standards subcommittee:
- Mandated by the Articles of Governance to lead on the process of reviewing a country's participation in OGP;
- Signs-off on Support Unit report on concerns;

- Can carry out Stage 1 actions;
- Makes recommendations to the full Steering Committee if a concern is recommended to have Stage 2 action but is unresolved by a country.

Governance and Leadership subcommittee/co-chairs:
- Mandated by the Articles of Governance to speak on behalf of OGP, so should, therefore, be involved in diplomatic outreach and any interventions that involve the Steering Committee as a whole.

Support Unit:
- Authors report on initial concerns;
- Shepherds the process.

Steering Committee:
- Supports stage 1 actions;
- Final arbiter stage 2 actions, including on listing a country as temporarily inactive or any other decision on a country's participation in OGP.

Independent Reporting Mechanism:
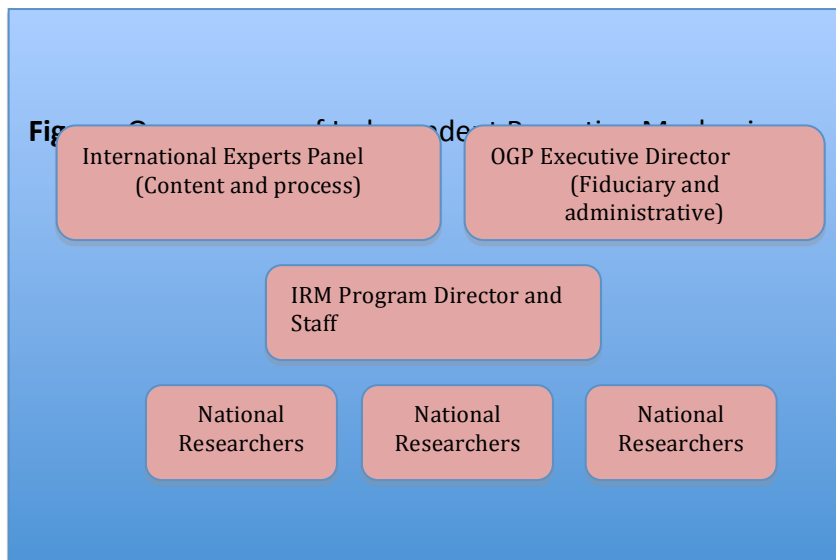- Source of information for report on a concern.

I. Overview

The Open Government Partnership (OGP) IRM is a key means by which all stakeholders can track progress among OGP governments, as well as promote strong accountability between participating governments and citizens. The IRM serves a key role in cooperation and collaboration between governments and civil society and in ensuring the credibility of OGP, and for promoting accountability for carrying out commitments outlined in national action plans. The IRM issues annual reports that assess each OGP participating government' progress in development and implementation of its respective National Action Plan. The IRM is in charge of overseeing this process on behalf of OGP to ensure reports are credible and independent.

The IRM assesses each OGP participating government on development and implementation of action plans, progress in fulfilling open government principles, and develops technical recommendations. In each country, well-respected national researchers, drawn from the country whenever possible, apply a common questionnaire to evaluate these areas. The actual IRM country reports are drafted by these national researchers based on a combination of interviews with national OGP stakeholders, analysis of relevant data, and reports by governments and civil society.

To protect the IRM from undue influence by OGP participating governments and other stakeholders, the OGP Articles of Governance provide a special status for this program. The OGP 2014-2018 Strategy lays out a set of operating principles (complementary to this document) to ensure that this program has the space it needs to create accurate and impartial reports, while working closely with the OGP Support Unit and Steering Committee to ensure that IRM findings are used to promote learning and continuous improvement across the partnership.

One of the key provisions is that the IRM is overseen by an International Expert Panel that is nominated through an open process and selected by the OGP Steering Committee. The IEP is comprised of up to 10 experts representing a diversity of regions and thematic expertise. These technical and policy experts are appointed by the OGP Steering Committee following a public nominations process. In line with OGP's commitment to peer support, the IEP will make efforts to ensure due diligence, quality assessment, and the application of the highest standards of research to help to ensure the credibility of the Partnership. At the same time, it will also identify opportunities to strengthen OGP processes and national implementation of commitments.

The organogram of the IRM is found in the figure below:

Figure. Organogram of Independent Reporting Mechanism

International Experts Panel (Content and process) • OGP Executive Director (Fiduciary and administrative) • IRM Program Director and Staff • National Researchers • National Researchers • National Researchers

The content of individual reports and the methodology of the IRM are protected from outside influences. Final say on the content of a report rests with the IEP, the IRM program staff, and the individual author. Neither the Executive Director of the Support Unit, nor any member of the Steering Committee has veto authority on the reports. Once drafted, IRM reports go through a process of initial review by the IEP, and are also provided to governments to offer their comments and feedback. An open comment period is also provided before finalization. No government has the power to veto any content within IRM reports, but their initial review offers the opportunity to correct any factual errors or offer new evidence that can inform the final report.

Following IEP and government review, the IEP conducts a review of each country report for quality control purposes, resolves any outstanding questions or concerns, and publishes reports on the OGP website in both English and the relevant national administrative language(s). There public comments may be received and may warrant final revision.

II. IRM Governance

International Expert Panel

As part of the critical function of quality control, the IEP establishes and updates guidelines for the IRM to guarantee accountability and delivery of OGP commitments, and to ensure a transparent reporting process.

1. **Membership:** The IEP will be broadly representative of OGP participating countries, with experts that represent a diversity of regions and thematic expertise related to open government. IEP members are not required to come from OGP participating countries to sit on the panel.

- **Size:** The IEP is made up of 10 technical advisors—5 members with a steering role and 5 with a supporting, quality control role to rotate over the cycle of their terms.

- **Qualifications:** Due to the complexity of the role and the large number of countries that must be assessed, Technical Advisors should have substantial experience in the transparency, accountability and civic engagement field in a number of regions, as well as experience managing multi-national research projects.
- **Responsibilities:** They will have the following responsibilities:
    a. Develop the overall reporting guidelines and the reporting template for national researchers to use
    b. Work with the IRM Program Manager to identify respected nationally based researchers in each OGP participating governments to draft the independent reports.
    c. Review draft country reports and work with national researchers to incorporate inputs from IEP and government review
    d. Provide final approval for report publication
    e. Aid the IRM staff in developing a robust and transparent system for addressing complaints from OGP countries and other stakeholders.
    f. [Attend regularized meetings of the IEP to be held at least twice per year]
- **Powers:** IEP members can collectively withhold any IRM-branded report that they do not see fit for publication. The IEP may also withhold the IRM brand from written products produced by IRM staff that have not been reviewed by the panel.
- **Limits on powers:** The IEP does not have powers to recommend and/or implement administrative changes to the IRM. The IEP, in its capacity as a steering portion of the IRM, does not have the power to dismiss the IRM Program Director and have a say in hiring the new one, should such a situation arise.
- **Nomination and appointment:** The IRM will be overseen by an International Expert Panel—nominated through an open, public process and selected by the OGP Steering Committee. Nominations may come from: the general public, the International Experts' Panel, and the OGP Steering Committee. The IEP has special standing to make nominations and recommendations to nominate new candidates, set requirements for the process of nomination, set criteria for weighing individual candidates or the whole panel and will help to prepare a short list of candidates. The IRM Program Manager will work with the IEP to make recommendations to the OGP Criteria and Standards Committee. The OGP Criteria and Standards Subcommittee will make a recommendation of nominees for full approval of the Steering Committee.
- **Terms:** The initial term for members of the IEP will be two years, with the possibility of a one-year extension. IEP members serve a 2-year term and serve 1 year as "emeritus reviewers." During the emeritus period, they review reports and pass on knowledge to new IEP members. At any one point in time, there will be a maximum of ten members.
- **Renewal of terms and termination of contract:** IEP members will develop a clear, public set of transparent criteria for their own performance evaluation. The review would be applied annually by the IRM Program Director in consultation with the Support Unit Executive Director, and the results communicated to the Criteria and Standards Subcommittee. In cases of renewal, the IRM Program

Director would make a recommendation to the Executive Director for renewal of terms. In cases of termination or expiration of the annual contract, the IRM Director would make a recommendation to the Executive Director, informing the Criteria and Standards Subcommittee, for termination or expiration of the contract. The Executive Director is legally responsible for termination of the respective IEP member's contract. Steering committee members do not have the power to remove sitting IEP members.

- **Resignation, dismissal, and replacement:** Resignations ahead of the end of term are to be sent to the IRM Program Director and communicated to the OGP Criteria and Standards Subcommittee. In cases of inactivity of more than 2 months, and after appropriate due diligence by IRM staff, the IRM Program Director may recommend to the IEP that the member be considered to have effectively resigned.
- **Compensation:** Technical Advisors will be compensated for their time and direct expenses.

IRM Program Director and Staff

The IRM is led by the full-time IRM Program Director, to be supported with adequate staff. All such positions are housed within the Support Unit for administrative and fiduciary reasons, but report to the IEP, in terms of content, to ensure independence of thought and appearance. The IRM Program Director will not have a reporting relationship to the Criteria and Standards subcommittee, but will maintain a strong working relationship with members to keep the Steering Committee informed of progress.

The IRM Program Director reports to the Support Unit Executive Director. In this capacity, the Executive Director hires the IRM Program Director and evaluates the performance of the IRM Program Director (with input from the IEP and the Criteria and Standards subcommittee), provides fiscal and administrative oversight for the IRM program, and ensures that the IRM progress reports are used across OGP to facilitate learning and improvement. The Executive Director does not sign off on the content of any individual IRM report.

The IRM Program Director's responsibilities include:
1. working to convene the IEP in person and/or by phone or other means, as appropriate, for ongoing business,
2. maintaining and updating the process for identifying national researchers;
3. hiring national researchers in each of the OGP participating countries;
4. developing, updating and applying the IRM reporting template;
5. developing detailed guidance for national researchers and providing training, coaching and feedback as necessary to IRM researchers;
6. identifying and rolling out tools to help national researchers collect IRM inputs within OGP participating countries
7. publishing all reports in a timely, consistent fashion
8. briefing the Criteria and Standards sub-committee and Steering Committee as appropriate;

9. reviewing and finalizing reports in tandem with the IEP;
10. developing relevant learning products derived from IRM findings, as appropriate, including collaborating with the Support Unit to ensure learning is being used to advance OGP's mission.

While the Program Director is legally an at-will employment, subject to review by the Executive Director of OGP, and subject to resignation or termination without notice, the IEP will be confidentially informed of reasons for termination of employment.

Criteria and Standards Subcommittee of the OGP Steering Committee

The Criteria and Standards (C/S) Sub-Committee of the OGP Steering Committee provides input into the selection and vetting process for the IEP. This includes identifying the selection criteria and having them approved by the Steering Committee, short-listing and interviewing nominees after an open nominations process, and providing a final set of recommendations on IEP panel members to the full SC for approval.

The C/S Sub-Committee develops definitions and guidelines on OGP eligibility criteria, reporting requirements, and the implications of IRM findings (for example, defining the consequences of a negative IRM report).

Finally, the C/S Sub-Committee will maintain a watching brief over the IRM to ensure that the IEP, IRM staff, and national researchers are able to publish their reports, achieve objectives, and that the reports maintain a high standard of quality and accuracy. "Watching brief" here is defined as "watching the status of the IRM but not becoming directly involved in it."

No more than once every two years, the C/S Subcommittee will revisit, and where necessary, revise the IRM Guiding Principles Document as well as provide official guidance to the IEP and IRM staff, subject to approval of the Steering Committee.

National Researchers

IRM National researchers are hired through an open recruitment process, based on transparent public criteria. Candidates will be short-listed after an open call based on this broad set of qualifications by the IRM Program Director, overseen by the IEP. The IRM Program Director oversees the process of conducting interviews, checking references and working with IEP technical experts to make a final selection of national researchers for each country. Further details on the national expert selection process are to be made public.

Whenever possible, national researchers should be from, and currently working in, the country of study. Candidates should:
- have a background in academia or public policy, with demonstrated experience conducting research for publication nationally, regionally, or internationally;

- have specific experience working on public policy issues related to governance, transparency, accountability, or public participation more broadly, as well as experience working with and engaging civil society, the government and the private sector; and
- have a demonstrated capacity and willingness to engage a broad range of stakeholders in a non-partisan and objective fashion.
-

While governments will not have veto power over any particular expert's nomination, they will be invited to provide feedback on the shortlist of national researcher candidates for the sole purpose of identifying any information that might present a conflict of interest or draw into question the expertise of particular candidates.

As appropriate, the IRM may engage civil society members to provide feedback on the national researcher candidate shortlist.
The IRM will maintain a publicly available procedures manual on IRM processes and method for public use.

Governments, CSOs and Other Stakeholders in the IRM

During the research process, national researchers will use a variety of methods to gather data. Among the most important will be gathering the views of stakeholders through methods such as focus groups and interviews, to solicit the broadest possible feedback of relevant stakeholders, especially civil society and the private sector. At a minimum, it will include stakeholders involved in the drafting of the OGP plan and an effort will be made to contact those directly interested in commitments. Through these processes, CSOs and other stakeholders will be able to evaluate the focus, development, and progress of the action plan.

Governments will also be invited to review IRM reports in draft form before they are finalized. While governments will not have veto power over any section of these reports, they will have the opportunity to offer additional information, clarifications and other evidence that IRM experts will then take into account before finalizing the draft reports for publication. Once published, there will be a space on the OGP website for broader public comment on reports.

All countries will respond to IRM reports by leveraging IRM recommendations to improve performance and implementation of current action plans; countries will also report on their responses to the IRM and action plan progress within the next annual self-assessment reporting cycle. In line with OGP's commitment to peer support, these countries will also benefit from OGP peer learning activities as they work to implement their OGP commitments and analyze and implement IRM recommendations.

Disclosure policy

OGP operates on a presumption of openness in all of its activities. The disclosure policy outlined in Addendum E of the Articles of Governance applies to all information held by

or on behalf of the OGP Support Unit, Steering Committee and subcommittees, and must favor openness over any approach which advocates secrecy. The OGP disclosure policy was developed with input from the OGP community. and applies to all information held by the OGP Support Unit, Steering Committee and subcommittees.

The IRM upholds this as stated in the general OGP Disclosure Policy. Exceptions provided for in the General Policy are as follows and may have particular resonance in the administration of the IRM:

1. Information received by OGP which has an explicit expectation of confidentiality;
2. Information which, if disclosed, would do identifiable harm to the safety or security of an individual, or violate his or her rights or privacy;
3. Information that in OGP's view, if disclosed, would demonstrably inhibit candid policy dialogue with governments, donors, communities or partners;
4. Internal pre-decisional policy documents that are not available for public consultation. Pre-decisional policy documents not subject to public consultation will be archived and available on request after three years.

III. IRM Reporting

Objectives

IRM reports are intended to help promote stronger accountability between citizens and their governments, and ensure governments are living up to the commitments made in their OGP country action plans, as well as OGP process requirements. In essence, they provide a "snapshot" view of the national action plan development and implementation process.

IRM reports will be prepared every year for each participating government. Reports are to be published for comments 7 months after each year of implementation. Mid-term progress reports aim to provide learning for the next iteration of the action plan (in addition to final implementation). Shorter end-of-term reports are to provide end-of-term accountability for each OGP participating country following conclusion of each biannual cycle.

The following "Guiding Principles" aid the IRM in its work:

1. The independent reports will be elaborated in a transparent, objective, non-intrusive, impartial, and apolitical manner. IRM researchers will have access to key decision-makers within assessed countries.
2. The independent reports will contribute to advancing open government internationally by encouraging dialogue between citizens and their respective governments, and by sharing best practices, achievements, and challenges in the implementation of country action plans among all stakeholders.
3. Key measures of success for the IRM will be (1) public dialogue on IRM findings by governments and civil society; (2) whether and how much progress was made on recommendations contained in previous reports.

4. The IRM reports will not define standards for use as preconditions for cooperation or assistance, or to rank countries.
5. The IRM and IEP's work in developing their methodology will be open and participatory with relevant stakeholders.

Scope of reports

The IRM reports will highlight successes in achieving action plan objectives, detail opportunities, challenges and any weaknesses in terms of OGP commitments and process and include specific recommendations for improvement. The IRM will endeavor to produce reports in a way that is complementary to independent monitoring efforts by civil society and other related multilateral mechanisms.

Accordingly, IRM reports will provide insight into several areas, with emphasis on development and implementation of action plans:
- The extent to which the action plan and its commitments reflect, in a country-specific way, the OGP values of transparency, accountability, and civic participation, as articulated in the Open Government Declaration and the Articles of Governance.
- Wherever relevant, IRM reports may reflect actions or measures relevant to the country's participation in OGP that were not originally reflected in the action plan.
- The degree to which OGP governments are following OGP process requirements and guidance in the development and implementation of their plans, in keeping with the Articles of Governance - Addendum C.
- Progress made on the articulation and implementation of each commitment and the plan as a whole, according to milestones laid out by the government in its action plan.
- Technical recommendations regarding how countries can improve implementation of each commitment and the plan as a whole, as well as how to better realize the values and principles of OGP, with specific reference to the OGP Articles of Governance and the Open Government Declaration. Recommendations are to cover all of the preceding bullets.
- In September 2012, OGP decided to begin strongly encouraging participating governments to adopt commitments that stretch beyond current practice in relation to their performance in the OGP eligibility criteria. From 2014 onwards, the IRM will document steps to improve country performance on OGP eligibility criteria as part of their action plans. The OGP Support Unit's annual review of eligibility criteria will remain the primary authority for determining and discussing OGP country performance on eligibility criteria. The IRM reports will have a more limited discussion of the context surrounding progress or regress on specific criteria at the country level each year, based on citizen feedback.
- Starting in the second year of assessments, reports shall also include a section for follow-up on recommendations issued in previous reports. This follow-up process will also be carried out in accordance with the principles set out in this document.

Overall Reporting Approach

The IRM report templates will incorporate the above criteria, and the IEP will work with national researchers to ensure that they strictly adhere to these guidelines in their reporting. The IEP establishes and updates quality-based guidelines to inform the IRM report preparation process, allowing it to highlight achievements and best practices, as well as challenges and substantial weakness in the above areas.

The IRM reports are meant to complement and support independent monitoring of the commitments by civil society in each country, and provide useful recommendations to enhance government performance. For example:

1. All research for the elaboration of the reports will be conducted in a way that incorporates the views of different public and private national stakeholders involved in, impacted by, and interested in the development and implementation of the country action plans
2. National researchers will work in culturally, nationally, and contextually appropriate ways to convey information and to engage all relevant stakeholders in the elaboration of independent reports.
3. In order to be able to incorporate all different domestic views in the independent reports, the IEP will strive to make use of any relevant information and communication technology tools available.
4. The IRM will listen to and take into account on-going citizen, civil society and related multilateral monitoring efforts;

- Reports will be produced in a form that facilitates easy monitoring and comparison over time – e.g. commitment by commitment; recommendation by recommendation.
- Reports will be written in such as way that makes them easily understandable by the broader public in each country. Consistent with the OGP Articles of Governance, IRM reports are to be made publically available in the national administrative language(s) as well as English.

The IRM reports will be informed by consultations with a wide range of different stakeholders. One of the IRM's primary roles is to listen to as many people as possible, and make an overall assessment based on these views, information provided by governments (including self assessment reports), and the expertise of the IEP. Wherever possible, the IRM should provide for review and input of assessment findings by members of civil society before and after publication.

IRM Report Executive Summaries

IRM reports will feature an executive summary, in a common format to be established by the IEP. The executive summaries will offer the basis for cross-country comparison and progress over time on the elements set out in the Scope of IRM Reports above. Executive summaries should allow for easy comprehension by a large international audience, both in content and visual terms. The executive summaries will offer a quick, visually

compelling and pithy sense of each IRM report, providing the basis for rapid evaluation of country performance over time and across countries.

Publication

- The independent reports will be made publicly available in the national administrative language(s) and in English.
- Taking into account budgetary constraints and translation costs, and the length of action plans, the progress reports should aim to be as concise and precise as possible.
- Mid-term progress reports will be comprised of an executive summary and the full independent report, with any annexes the IEP deems appropriate. End-of-term reports will not have an executive summary.
- Data collected during the IRM process appropriate for a database should be available following open data principles.