

OGP Steering Committee Meeting

5-6 December 2018 – Washington D.C., U.S.A.

Agenda and Pre-Decisional Reference Materials

Open
Government
Partnership



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**OGP Steering Committee Agenda
Working Level & Ministerial Meetings
5-6 December 2018
Washington D.C., United States of America**

Day 1 – Wednesday, December 5, 2018

Light Breakfast served at 8:15

- I. **Welcome & Introductions**
 - A. Statement regarding Aidan Eyakuze
Background materials: Statement Regarding Aidan Eyakuze

- II. **The Global Context & Our Response (1 hr 15 minutes): 9:00 – 10:15**
 - A. Global trends on democracy, closing of civic space, and their impact on open government (Guest Speaker: Tom Carothers)
 - B. Implications for OGP and SC Leadership

Coffee Break (15 minutes): 10:15 – 10:30

- III. **2018 in Review: OGP’s Implementation Plan (30 minutes): 10:30 – 11:00**
 - A. 2018 OGP Implementation Plan Highlights
 - B. Timeline for 2019 Implementation Plan and Budget
Background materials: A) 2018 Support Unit/IRM Implementation Plan; B) 2019 SC Calendar

- IV. **Governance and Leadership Priorities Part 1 (1 hr 45 minutes): 11:00-12:45**
 - A. Co-Chair Priorities presentation (non-decisional)
 - 1. 2018 – 2019 Co-Chair Vision for the OGP
 - 2. Co-Chair Reporting Tool
 - B. Canada’s 2019 Global Summit & SC summit deliverables (non-decisional)
 - C. Emerging Strategy and Campaign on Gender and Inclusion, including Open Gov Week and CitizEngage (non-decisional)
Background materials: A) Co-Chair vision for OGP; B) Ottawa Global Summit Deliverables (forthcoming); C) Outline of the Feminist Open Government Initiative

Lunch (45 minutes): 12:45 – 13:30



- V. **Governance and Leadership Priorities Part 2 (1 hr 30 minutes): 13:30 – 15:00**
- A. OGP Local Strategy (**Decision Item: Approve OGP Local next phase strategy**)
 - B. Feedback on Rapid Response Mechanism early implementation
Background materials: A) OGP Local Strategy; B) Rapid Response Mechanism Policy

- VI. **Criteria and Standards Part 1 (1 hr 30 minutes): 15:00 – 16:30**
- A. Procedural Review cases
 - 1. Bosnia and Herzegovina (**Decision Item: Inactivity Resolution**)
 - 2. Trinidad and Tobago (**Decision Item: Inactivity Resolution**)
 - B. Response Policy (RP) cases
 - 1. Mexico RP case update (non-decisional)
 - 2. Azerbaijan RP case decision (**Decision Item: AZ Participation Status in OGP**)

Background materials: A) C&S recommendation on Trinidad and Tobago; C&S recommendation on Bosnia and Herzegovina; B) Mexico RP update; C) C&S report and recommendation on Azerbaijan RP case.

Coffee Break (15 minutes): 16:30 – 16:45

- VII. **Criteria and Standards Part 2 (60 minutes): 16:45 – 17:45**
- A. Articles of Governance (AoG) Review (**Decision Item – Approve new AoG**)
 - 1. Values Check for countries with no V-Dem data (**Decision Item: Entrust the C&S to explore alternative Values Check metrics**)

Background materials: A) Annotated Articles of Governance; B) Resolution on Values Check alternative metrics

Day 2 – Thursday, December 6, 2018

Light Breakfast served at 8:30

- I. **Thematic Deep Dives (1 hr 45 minutes): 9:00 – 10:45**
- A. Update on ongoing thematic priorities and introduction to breakout discussion (15 minutes)
 - B. Building coalitions on priority and emerging thematic areas (breakout sessions) (75 minutes)
 - 1. Open Government for Gender Equality
 - 2. Governance of new technologies/Digital threats to democracy
 - 3. Beneficial Ownership Transparency
 - C. Report Back (15 minutes)



Background materials: Update on thematic priorities and guiding questions for breakout sessions

Coffee Break (15 minutes): 10:45 – 11:00

- II. Knowledge and Research (60 minutes): 11:00 – 12:00**
 - A. Overview of 2018 Publications
 - B. Key Research Projects in 2019
 - C. State of Open Government Report: Consultation Process and Next Steps
Background materials: Overview of 2018 OGP Publications

Lunch (60 minutes): 12:00 – 13:00

- III. Criteria and Standards - Mexico Response Policy Case Update**
- IV. Country Support and Performance Update (45 minutes): 13:00 – 14:00**
 - A. Early Warning and Opportunities for Engagement
 - 1. Countries under current review
 - 2. 2018 rollover countries and 2019 Action Plans
 - B. OGP Trust Fund Update
 - 1. Update on the windows of the TF
 - 2. Lessons learned from first year of implementation

Background materials: A) Countries Under Review Brief

- IV. 2019 Implementation Plan and Budget (60 minutes): 14:00 – 15:00**
 - A. Early thinking on the 2019 Implementation Plan
Background Materials: N/A
- V. OGP Board Update (30 minutes): 15:00 – 15:30**
 - A. Board Update
Background Materials: N/A
- VI. Any Other Business (45 minutes): 15:30 – 16:00**
- VII. Wrap-up and close (15 minutes): 16:00 – 16:15**



Draft List of Attendees

Government Steering Committee Members

Government of Argentina (Incoming Government Co-Chair 2019 -2020)

Rudi Borrman Undersecretary of Public Innovation and Open Government, Government Secretariat of Modernization

Carolina Cornejo Director of Open Government, Government Secretariat of Modernization

Government of Canada (Lead Government Co-Chair 2018 – 2019)

Francis Bilodeau Assistant Secretary for Digital Policy and Service, Treasury Board Secretariat

Melanie Robert Executive Director, Information Management and Open Government, Chief Information Officer Branch, Treasury Board Secretariat

Natalia Little Analyst, Treasury Board Secretariat

Government of Croatia

Vesna Lendić Kasalo Deputy Head of Office, Office for Cooperation with NGOs

Darija Marić Advisor in the Government and Government's Office

Government of France

Amélie Banzet Open Government Office, Etalab, Prime Minister Office

Government of Georgia

Zurab Sanikidze Head of Analytical Department, Ministry of Justice and Co-Chair of OGP Forum of Georgia

Government of Italy

Stefano Pizzicannella Director for International Relations, Simplification Unit, Department for Public Administration

Government of Romania

Bogdan Pintilie First Secretary, Embassy of Romania to the United States of America

Government of South Africa

Mesuli Macozoma Assistant Director, Ministry for Public Service and Administration



Government of South Korea

Sunkee Han Director General, Ministry of the Interior and Safety
Sungyeol Shin Director, Ministry of the Interior and Safety
Yujin Lee Deputy Director, Ministry of the Interior and Safety

Civil Society Steering Committee Members

María Baron	Directorio Legislativo
Helen Darbshire	Access Info Europe
Aidan Eyakuze (virtual)	Twaweza
Nathaniel Heller (Lead Civil Society Co-Chair 2018 - 2019)	Results for Development
Preston Whitt (Designated 2nd for Nathaniel Heller)	Results for Development
Robin Hodess (Incoming Civil Society Co-chair 2019 - 2020)	The B-Team
Annabel Lee Hogg (Designated 2nd for Robin Hodess)	The B-Team
Suneeta Kaimal	Natural Resource Governance Institute
Giorgi Kldiashvili	Institute for Development of Freedom of Information
Tur-Od Lkhagvajav	Asia Democracy Network
Lucy McTernan	University of York
Zuzana Wienk	Fair Play Alliance
Scott Miller (Designated 2nd for Delia Ferreira)	Trust Democracy Australia
Apologies Delia Ferreira Government of Nigeria	Transparency International

Additional Guests

Jesus Robles Maloof, Head of the Social Comptroller Unit, Ministry of Public Administration, Government of Mexico (Delegate invited to present an update on the Mexico Response Policy Case)



Logistical Note

Monday, December 3

- Civil Society SC retreat (12:00-18:00 at the Open Gov Hub, "Sydney" Room)

Tuesday, December 4

- Civil Society SC retreat (9:00-13:30 at the Open Gov Hub, "Sydney" Room)
- GL Subcommittee Meeting (14:30-17:30 at the Open Gov Hub, "Tokyo" Room)

Wednesday, December 5

- SC meeting day 1 (8:45-17:30 at Results for Development)
- OGP & Friends Happy Hour (18:30-22:30 at the Open Gov Hub)

Thursday, December 6

- SC meeting day 2 (9:00-16:15 at Results for Development)

Open Gov Hub Address: 1110 Vermont Ave NW #500, Washington, DC 20005

Results for Development Address: 1111 19th Street NW, Suite 700, Washington D.C., 20036

Participation Protocol

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

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

OGP Observers

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

Voting Protocol

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



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

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

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

Process

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

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

Voting principles

- A vote can only be called in a Steering Committee meeting that is quorate (50 percent of each constituency government and civil society members are present).



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



OGP Steering Committee Statement Regarding Aidan Eyakuze
For endorsement by the OGP Steering Committee ^ 5 December 2018

The following statement is being tabled by Nathaniel Heller, Civil Society Co-Chair of the Steering Committee (SC), in solidarity with fellow SC member Aidan Eyakuze, and in response to the concerning situation which has prevented Aidan to leave his home country, Tanzania, since July 2018.

This statement will be tabled for SC endorsement at the 5 December 2018 meeting.

The Open Government Partnership (OGP) Steering Committee expresses its deep concern and regret over OGP civil society Steering Committee member Aidan Eyakuze being unable to travel outside of Tanzania to participate in this week's Steering Committee meeting in Washington, DC. Aidan currently co-chairs one of the OGP Steering Committee's most important governance mechanisms, the Criteria and Standards Sub-Committee.

It has come to the Steering Committee's attention that Aidan's inability to travel outside of Tanzania since July 2018 is a result of government actions.

Aidan's participation in OGP Steering Committee Meetings is crucial. Aidan plays a central leadership role at the OGP and we regret that he could not attend the December meeting. We respectfully request the assistance of the Tanzania Government in addressing the situation so that Aidan can participate in upcoming OGP meetings.



2018 Support Unit – IRM Implementation Plan

The 2018 OGP workplan seeks to continue the implementation of the Strategic Refresh endorsed by the Steering Committee (SC) in December 2016. Building upon the 2017 OGP workplan, the 2018 workplan is organized around six overall organizational priorities.

1. Deliver tailored support to OGP national and local participants, to support the co-creation and implementation of more ambitious action plans;
2. Build OGP’s presence on the global stage;
3. Increase uptake of OGP’s thematic priorities;
4. Enhance OGP’s research and analysis capacity;
5. Establish the OGP Secretariat as the independent charity organization holding the work of the Support Unit and IRM as it spins off from Tides;
6. Expand the resources available for OGP’s work.

2018 Collective Deliverables:

- 1. Deliver tailored support to OGP national and local participants, to support the co-creation and implementation of more ambitious action plans**

The core objective of OGP at the country and local level is to support reformers - primarily domestic government and civil society - to co-create and implement ambitious open government reforms. With 76 OGP participants developing new Action Plans - including 20 through the expanded OGP Local program - and more than 70 IRM reports being published, 2018 will be a crucial test of political engagement, and a major opportunity for OGP participants to advance open government themes that tackle problems citizens care about.

As OGP expands, the Support Unit will continue moving towards a regional model with increasingly integrated civil society and government engagement teams for both national and local participants. This will allow the regional teams to use their understanding of the political context - informed by the IRM - to broker the most appropriate approaches for supporting a specific country or local entity, including rolling out the “menu of services” that was developed in 2017, for example on coalition-building, and mobilizing OGP’s Trust Fund for the first time. The regional strategies will also include leveraging OGP’s thematic partners, in particular on anti-corruption, public service delivery and citizen participation in policy making - the three overall thematic priorities for OGP in 2018.

Deliverables for 2018:

- Provide support to all 75 participating national governments and 20 local governments; with special emphasis on the 76 participants that will be developing a new Action Plan in 2018.



- Provide deeper strategic advice and support to government and civil society actors in 10-15 selected priority countries and subnationals. As also discussed with Steering Committee in the context of the 2017 workplan, the criteria for selecting these priority countries/local entities includes the political context, the strategic importance for OGP, the stage in the Action Plan cycle and where there is potential traction for groundbreaking open government reforms through OGP. All new participants will be prioritized to ensure they have a strong start in OGP.
- Use the Participation and Co-creation Standards and new rules published in 2017 to push for more inclusive, higher quality co-creation processes and stronger Multi-Stakeholder Forums to support the development and delivery of more ambitious commitments, especially in thematic priority areas.
- Provide support and guidance materials for OGP participants to collect, publish and document an online repository on the national / local OGP website in line with the OGP Steering Committee decision of September 2017 and the requirements set forth by the IRM. This will include new work on direct citizen engagement and deliberate participation.
- Continue development, piloting and roll out of a 'menu of services' for country support, including enhanced co-creation support via 5-6 OGP Trust Fund co-creation grants, working on thematic coalition building within the new partnership framework, and testing out approaches to implementation support, also via the Trust Fund. The 'menu of services' is a modular approach to providing country support and builds on the core support the Support Unit has provided over the past six years. The menu will enable countries to access and tailor a range of enhanced services that are useful across the OGP cycle - from joining OGP, developing ambitious Action Plans, successfully implementing commitments, and continuous learning. It will also introduce new tools and programs around Action Plan development, implementation, monitoring and completion.
- Develop a modified OGP Local "leaders' tier" focused on peer learning and exchange, via a community of practice within the United Cities and Local Government network.
- The IRM will continue to produce high-quality reports to ensure accountability and learning to spur more ambitious, implemented commitments and collaborative processes. In the first half of 2018, the IRM will publish more than 70 reports, a record number. Following on the 2017 IRM review, the IRM will institute a number of changes to ensure that reports are more timely and effective in communications. Beginning this year, the IRM will also move up the date of reporting to provide earlier, more rapid feedback on Action Plans, without losing its overall quality. As a result, the IRM will work on more than 100 reports in the second half of 2018 and move all reporting to a primarily online format. In addition, the IRM report launches will be fully integrated into the national-level multi-stakeholder forums during the development and implementation of Action Plans in 2018.
- Launch the OGP Trust Fund, and initiate a first round of projects, to support co-creation and implementation of open government reforms in a subset of OGP countries. Additionally, provide and/or broker mini-grants for civil society advocacy, consultation or coordination in selected new and priority national and local entities.



- Organize sub-regional peer learning workshops for key OGP stakeholders (especially government POCs and CSO leaders) that focus on key strategic refresh deliverables (co-creation process, ambitious commitments, credible implementation, and thematic priorities).

Steering Committee role:

One of the most powerful things the Steering Committee can do in 2018 is ensure every member engages in at least one activity to directly support an OGP country in its national or local work. This includes:

- Leading by example by securing that the Action Plan co-creation and implementation processes in your countries are as inclusive, participative, broad and ambitious as possible.
- Visiting to help facilitate and guide a co-creation process where new Action Plans are being produced, including reinforcing findings from the IRM reports.
- Leading advocacy and peer exchange activities around the thematic priorities as outlined in the Paris Declaration.
- Using ministerial embassy and other political outreach to help bring faltering participants back on track and ensure full participation where inactivity is a risk.
- Mentoring government and civil society reformers in new countries to improve their understanding of OGP and how it can be leveraged to deliver domestic reform.
- Being champions of the IRM reports, and encouraging uptake of IRM findings to ensure learning and accountability for OGP commitments.

2. Build OGP's presence on the global stage

In 2017, the recent trends toward authoritarianism, closing civic space and democratic regression continued, making it even more important for OGP to be prominently positioned on the global stage. OGP must be a powerful, positive force that promotes openness and deepens democracy, and a platform for government reformers and civil society leaders to use in the fight against the rise of closed government, restrictions on civic space and growing corruption, all of which leads to citizen distrust. In 2018 Georgia will host OGP's fifth global summit, the major milestone for the year, which will be a platform for global leaders to strengthen the political coalition for openness and OGP.

OGP will also need to sharpen its messaging and brand to encourage wider participation to achieve these goals. In 2018 the Support Unit will work on defining OGP's brand through a value-centric approach that creates a clear incentive for participation in the OGP process. This will include updates to OGP's visual branding, key messages and overall narrative. OGP will launch four initiatives, including the first global Open Gov Week, the OGP Trust Fund, Feminist Open Government and a major storytelling effort that focuses on humanizing OGP's work and celebrating its participants. Our campaign and storytelling work will be amplified by smart new social strategies fueled by real-time data. Also, we will fully activate our ambassador and envoy program ensuring our validators are pro-actively seizing on opportunities to raise awareness of OGP and support the campaigns.



Deliverables for 2018:

- Work with the Georgian government and civil society organizations to organize an action-forcing fifth Global OGP Summit, that attracts strong leader and ministerial participation, and advances OGP's thematic priorities.
- Convene a small gathering of open government champions, including from non-Steering Committee member countries, to build political support for open government and inspire the next generation of OGP leadership.
- Launch the first global Open Gov Week to take place during the week of May 7th, inspired the Italian version, that seeks to inspire and promote activities in all OGP countries that taken open government to new audiences and builds support amongst new constituencies.
- Update and upgrade all branding to ensure clear, compelling and consistent usage and create a branding hierarchy as OGP expands partnerships and commitments.
- Move to a values-based messaging approach that can be customized across audiences. A new framework will be created for use by staff, Steering Committee members, and ambassadors and envoys.
- Unveil a new storytelling campaign at the Georgia Summit featuring compelling narratives about OGP and its participants. The campaign will feature an online storytelling hub, which will promote the wealth of stories collected over the past six years.
- Begin a data-driven approach to social conversations and promotions through real-time listening.
- Develop and launch campaigns to promote the new Trust Fund and the Feminist Open Government Initiative.
- Deepen our work on Trust through additional events, publications and content.

Steering Committee Role:

As we prepare for the Georgia Summit, update key messaging and materials, and launch four new campaigns, we will need Steering Committee leadership such as participating in the campaigns, and promoting them through their own networks. This includes:

- All Steering Committee government and civil society representatives commit to join Open Gov Week activities in week of May 7th, including by organizing activities in their own countries.
- Steering Committee governments ensure attendance of Head of State or senior minister at the Georgia Global Summit.
- All Steering Committee members participate in Georgia Summit sessions, especially in offering to organize, facilitate or speak in sessions that advance areas of thematic leadership.
- Ensure that in all branding, communications and messaging the Steering Committee is reinforcing our larger narrative and helping us move to a more value-centric approach to communications.
- Play an active role in amplifying voices especially during Open Gov Week, this may include participating in events, interviews or social media activities.



- Identify and recruit new OGP ambassadors, and encourage previous ones to stay involved.
- Make introductions to thought leaders and key media figures who would be interested in OGP's work and can help raise the profile of the reforms happening in countries.
- For government members, ensure your representatives in the global decision-making system (UN missions, regional bodies, G20/G7 sherpas, multilateral agencies) are fully aware of OGP's role as a platform for translating international agreements into real action and reform at the national/local level (e.g. SDGs).
- For civil society members, ensure partners, country offices and grantees are participating in national OGP processes and leveraging OGP as a platform for advocacy and domestic reform on priority issues.

3. Increase uptake of OGP's thematic priorities

The core objective is to promote the uptake of ambitious reforms on priority thematic areas through OGP national and local action plans. In 2017, the Support Unit and Steering Committee initiated a strategic push on promoting stronger thematic leadership, bolstered by the Paris Declaration and the strategic refresh focus on anti-corruption and citizen-centric governance.

Over the past year, we have seen a stronger ecosystem for thematic ambition being built in OGP - with the establishment of the Thematic Leadership Subcommittee (TLS), a new strategic thematic partnerships model, and focused programming by the Support Unit on thematic priorities to produce relevant tools and support country-stakeholders. The Co-chair priorities for the year, along with the workplan of the TLS will provide the political leadership, supported by the Support Unit's continued focus on anti-corruption (including beneficial ownership, open contracting, lobbying and money in politics and extractives) and public service delivery (including health, education, water and infrastructure). In addition, the launch of the OGP Trust Fund and the implementation of the "menu of services" will help catalyze country-level action on thematic ambition.

Deliverables for 2018:

- Work with TLS Co-Chairs and Subcommittee members to drive 2-3 priority activities in support of raising ambition at the country level on thematic priorities and coordinate with them on a regular basis.
- Develop a global anti-corruption positioning strategy for OGP - including on how to best use the big corruption themed events in 2018 and the OGP Summit - to position OGP as a major platform for reforms on this topic.
- Publish and disseminate a thematic packet of value propositions and stories on public service delivery, with follow up in targeted countries, to spur ideas and action for reforms on this topic.
- Launch a paper on OGP and civic space, with complementary pieces by key civic space partners,
- Launch an improved and streamlined thematic/ stories section(s) on the website, starting with the Support Unit priority themes and eventually to all Paris Declaration themes.
- Expand and deepen partnerships, including under the new thematic partnerships model, with organizations who can support development, provide technical expertise, and implementation



of commitments at the country level. Potential partners include, EITI, Open Ownership, Transparency International, NRGI, World Vision International, Stockholm International Water Institute, among others.

- Ensure action-forcing conversations on thematic priorities (anti-corruption and public service delivery) at OGP events, including the OGP Global Summit and Asia Pacific Regional meeting.

Steering Committee role:

- Lead by example by embedding ambitious commitments related to the thematic priorities in your Action Plans.
- Work with the TLS to showcase progress in at least one key reform area that you have been involved in, and lead conversations at Steering Committee meetings on what has worked and what has not.
- Invite other OGP countries for joint peer learning and exchange opportunities on specific thematic reform areas, in coordination with the TLS and Support Unit.
- Invite key ministries in your country/countries you work with to join the conversation at the OGP global summit.
- Use high level speaking engagements at the international events to position OGP as an implementation mechanism for thematic ambition

4. Enhance OGP's research and analysis capacity

In 2018 OGP will attempt a major upgrade to its storytelling, research and analytic capacity. This will include ensuring it is much easier to learn about the most interesting and ambitious reforms taking place in OGP, thinking of new ways to allow cross-country comparison of progress on core open government performance indicators, and continuing to build community resources.

Deliverables for 2018:

- Launch an OGP stories microsite to provide easier access and a more compelling presentation of OGP's results and innovative reforms, powered by a more comprehensive internal results database.
- Begin the design, data collection and writing process for a new flagship report to support cross-country learning and the race to the top in OGP, the "State of Open Government Report," to be published mid-2019.
- Continue developing community resources that support the OGP community to hear about the most innovative research on Open Government, OGP's impact, and to be able to use these results to get innovative policies in their country. To meet these needs, OGP will work on several major products:
 - *The Skeptic's Guide to Open Government* will corral the most up-to-date research on open government's effects on trust, control of corruption, improved public services, and economic growth. This will be packaged for a wide audience.



- *Early Results*: Building on an early impacts research project, the “early results” project captures the policy and human interest stories behind some of the most innovative OGP commitments from the last several years.
- *OGP Academy*: In 2017, the University of Buenos Aires hosted the first ever academic community gathering around OGP. To continue incentivizing academics to freely pursue research on open government, OGP will publish the best papers from the conference.
- *Commitment Highlights*: Following on past years’ successful publications, OGP will continue to highlight top innovations in open government according to the IRM and to identify promising commitments in OGP action plans.
- *Webinar series*: Re-start the webinar series with relevant topics and themes during the NAP cycle.
- *IRM technical papers*: The IRM is publishing two technical papers looking at what IRM reports tell us about how to remove obstacles to better commitments. The first, published in January, focuses on implementation. The second, to be published in March, focuses on commitment design. In addition, the IRM will publish brief analysis on early findings from the subnational pilot and will support in thematic lessons from OGP.
- Utilize window two of the OGP Trust Fund to coordinate research on the impact of open government reforms in priority thematic areas.

Steering Committee Role:

- As one of the major users (and requesters) of research and analysis, Steering Committee members are asked to guide the development of major knowledge products through the course of the year.
- Use IRM findings to make evidence-based policy decisions about the future of OGP.
- Support the launches and dissemination strategies for our knowledge products and help socialize them with different audiences.
- Host webinars and/or be speakers on thematic topics as needed.

5. Establish the OGP Secretariat as the independent charity organization holding the work of the Support Unit and IRM as it spins off from Tides

Effective April 1, 2018, the OGP Secretariat will begin operating as global organization, with public charity status in the United States. The operational and administrative goal for the year is to ensure this implementation process is smooth. In 2017 we recruited senior level Operations team members to provide leadership for the process and in early 2018 we are setting up our systems. We are also taking care to establish a policy framework that can effectively serve the growing partnership and reflects progressive values in its human resource practices and policies.

Deliverables for 2018:



- Complete spin off by March 31, 2018.
- Build internal systems for OGP, including training staff to run the administrative and financial functions of OGP, including human resources, finance and accounting, legal, compliance and risk management.
- Ensure the transition of financial, contractual and other administrative activities to the OGP Secretariat, to support the ongoing work of the Support Unit.
- Support the the Board of Directors in its legal, fiscal and oversight role.
- Ensure continued financial sustainability by monitoring budgetary and cashflow information as well as by supporting fundraising activities.

Steering Committee role:

- Support the OGP Secretariat Board as it provides appropriate oversight for the new non profit organization.

6. Expand the resources available for OGP's work

In order to meet the increased demands of the growing number of OGP national and local participants, and the geopolitical context for democracy and openness, the Support Unit has expanded rapidly -- from a staff of two to an international staff of over 40 in five years -- and has a more ambitious program implementation plan as outlined in this document. However, the Support Unit still faces considerable, excess demand, with each frontline country support staff still supporting 15 countries on average. In addition, after several years of planning, OGP will launch a Trust Fund in 2018 to directly channel much-needed support for government and civil society participants with open government work. This enhanced level of support requires a robust fundraising function to strengthen and diversify our revenue streams, ensuring an adequate organizational budget and mitigating our risk.

Deliverables for 2018:

- Create a multi-year fundraising strategy and implementation plan for the organization, including bringing on board 2-3 new bilateral government and/or foundation donors as core funders of OGP. Leverage existing relationships with trusted funders to identify potential funders whose work and funding priorities align with the Strategic Refresh and OGP's thematic priorities.
- Finalize new grants with existing donors whose current programs of support end in 2018.
- Increase the number of national OGP participants that fulfill their annual contribution to the organization, including targeting 5-10 governments who have not yet made a contribution to OGP.
- Work with the OGP Local program to assess the viability of a pilot program for local contributions in tandem with the larger integration of the Local program. If viable, draft a strategy for the pilot.
- Raise awareness of the new option for participants to pay their annual contribution via the OGP Trust Fund, thus helping resolve situations where legal reasons may have prevented past contributions to OGP.



- Launch the OGP Trust Fund at the Georgia Global Summit in July 2018, with founding donors in attendance. The Trust Fund will conduct a review in early 2019 of workplan and budget to assess what the need is for additional donors to join.

Steering Committee Role:

- Provide political leadership on country contributions, through both leading by example through the timely payment of contributions, and presenting the value proposition for payment to other participants through high level meetings and correspondence.
- Explore the possibility of additional funding through their country's bilateral aid agency, if they have one.
- Connect the fundraising team, particularly the CEO and Deputy CEO, with contacts at private foundations that have strong alignment with OGP's work and values.



2018 - 2019 Steering Committee Calendar

Date	Event
November 5-6, 2018	OGP Asia-Pacific Regional Meeting - Seoul
December 3-4, 2018	Civil Society SC Caucus Retreat - Washington, D.C.
December 4-6, 2018	Q4 Working level SC Meeting - Washington, D.C. (GL subcommittee meets on Dec 4th, plenary on 5th and 6th)
January 2019	Endorse 2019 Support Unit work plan and budget
Q1 2019	Ministerial GL meeting (TBC) - [May be merged with "Road to the Summit" event]*
Q1-Q2 2019	Recruitment and election of new SC members and incoming chairs
March 2019 (TBD)	Road to the Summit high-level gathering (TBC) - Ottawa
March 11-15 2019 (TBC)	Open Gov Week - Global (virtual)
May 28-30, 2019 (TBD)	Working level and Ministerial SC - Ottawa*
May 29-31, 2019	Global Summit - Ottawa
September 2019	UNGA and OGP SC Co-Chair Handover - New York
Q4 2019 (TBD)	Working level SC meeting*



**Government of Canada and Nathaniel Heller: Co-Chair
Vision for The Open Government Partnership**





Government of Canada and Nathaniel Heller

CO-CHAIR VISION FOR
THE OPEN GOVERNMENT
PARTNERSHIP

10/2018 - 09/2019



Open
Government
Partnership



OUR VISION

Open government: a transformative opportunity for a changing world

The Open Government Partnership (OGP) is the leading global forum for advancing open government. It includes a vibrant network of reformers who have a shared purpose: to make governments more transparent, accountable and participatory.

The OGP's rapid growth and diverse membership are a testament to the importance of the partnership. In many member countries, trust in government institutions is low. Threats to democracy are emerging, disinformation is spreading, and digital tools are raising citizens' expectations.

Open government has a critical role to play in a changing world. It can help governments make sure that they serve their people in ways that are efficient and fair. It can also help deploy new, digital tools that save public resources and make government processes more inclusive.

All people should be able to understand, engage in, and influence the workings of their government. Open government is a tool for achieving that vision.

Our priorities as co-chairs

Open government aims to improve collaboration between governments and citizens. To support this goal, governments need to listen to their people and make themselves more accessible and accountable and by doing so, they will design better services for citizens.

We commit ourselves to a transformative, hopeful vision for open government that serves people everywhere. As co-chairs, we will focus on three priorities:

- ▶ Inclusion
- ▶ Participation
- ▶ Impact

In delivering on these priorities, we will work to connect and empower people to become involved in their governments. We commit to focus particularly on marginalized or under-represented citizens.

Through our priorities, we will work to do the right things to improve trust in government worldwide. We will take action to innovate and fix these challenges by working with our OGP counterparts to gain citizens' trust. We will begin internally, improving the OGP's governance, operations and membership. We will work in the interest of all democracies around the world and enhance transparency by sharing the OGP Steering Committee's work.

We hope that bettering the OGP's performance will help continually refine and advance open governments around the world.

OUR PRIORITIES

1. Inclusion

Globally, governments have the opportunity to empower under-represented citizens, regardless of gender, race or sexual orientation, to engage actively with their government. This work can enable more equitable, inclusive governments that deliver more for all citizens.

During our co-chair term, we will:

- ▶ provide peer learning support to OGP members on best practices for inclusion;
- ▶ raise awareness of the connections between open government and inclusion at international events;
- ▶ organize an OGP Global Summit that is inclusive and web-accessible;
- ▶ develop community resources on inclusion best practices for open government initiatives; and
- ▶ establish a feminist open government initiative.



2. Participation

The information age has made it easier than ever for citizens, civil society and businesses to participate in government decision-making. Greater, more meaningful participation can improve trust in government and outcomes for citizens.

During our co-chair term, we will:

- ▶ provide peer learning support to OGP members on co-creation processes;
- ▶ co-create components of Canada's 2019 OGP Global Summit agenda with member countries and civil society;
- ▶ collect lessons learned on ongoing dialogue mechanisms between government and civil society;
- ▶ establish and support international partnerships to protect and expand civic space; and,
- ▶ launch a social media campaign to engage youth on open government.



3. Impact

Open government can improve the day-to-day lives of citizens. We have a responsibility to more clearly demonstrate this impact to better prioritize reforms and investments. A clearer focus on the impact of open government can give us the opportunity to focus on results that make a difference.

During our co-chair term, we will:

- ▶ provide peer learning support to OGP members on rigorous and timely tracking of open government commitments;
- ▶ develop, refine and share methods that measure the impact of open government approaches, including as they relate to services to citizens;
- ▶ publicly track progress on OGP Steering Committee co-chair priorities; and,
- ▶ capture stories on the impact of open government to contribute to the OGP Storytelling Campaign.



Outline of the Feminist Open Government Initiative



The Feminist Open Government Initiative

At the heart of the Open Government Partnership lies a mission to bring together government reformers and civil society leaders to create open government commitments that make governments more inclusive, responsive and accountable. From 2018-2019, the OGP is co-chaired by the Government of Canada and Nathaniel Heller of Results for Development. They have articulated a co-chair vision centered on increasing inclusion and participation throughout OGP to ensure that opening up government more fully delivers for all. As a cornerstone of their commitment, the Feminist Open Government Initiative was created to combine research, data, and action to catalyze gender equality and equity in government policy-making and public service delivery.

Why the Feminist Open Government Initiative

To date, only 25 OGP commitments include a gender perspective – representing less than 1% of the 3,000 commitments made by national and local governments – and women’s participation in OGP co-creation modalities has been uneven around the world. Women’s absence from these processes is concerning for representative reasons as well as for the missed information, knowledge, and skills that may limit the potential of ambitious, high-impact reforms. Additionally, in a world where women’s participation in parliaments remains relatively stagnant at around 23% and global gender equality is potentially declining for the first time, OGP can play a key role in mobilizing the power of participatory governance to support collaborations between national and local-level policymakers and civil society that positively influence social norms, cultures, and processes to advance the rights of women, girls, and underrepresented groups.

From Gender Research to Meaningful Action

Through the Feminist Open Government Initiative, OGP and partners will encourage participating OGP governments and civil society to adopt more gender-focused commitments and consider gender throughout the co-creation and implementation processes. These actions are guided by the theory that doing so will ensure that gender considerations and women and girls’ needs are part of the action plan process from start to finish, which will in turn increase the legitimacy and impact of open government reforms. To enhance women’s participation and gender throughout OGP’s machinery, the Feminist Open Government Initiative aims to:

- Build and deepen evidence around the impact that a gender-centric approach to open government can have on improving public service delivery, addressing corruption, and opening up civic space through two distinct research calls;
- Encourage governments to design and implement improved gender-aware OGP commitments through the development of model commitments, collection of good practices, and direct technical support; and
- Establish an international coalition of partners to drive and maintain this renewed focus on gender and inclusion beyond the Canada + Heller co-chairmanship.

The Feminist

Open Government Initiative

Deepen the Evidence

The Feminist Open Government Initiative will fill evidence gaps around what makes for an effective and ambitious gender-focused action plan, how women and women's organizations have successfully engaged in co-creation processes (or not), and the impact of applying a gender lens to broader transparency and accountability commitments.

- Gender mapping of OGP co-creation processes in 13 countries: Côte d'Ivoire, Burkina Faso, Senegal, Kenya, South Africa, Ghana, Indonesia, the Philippines, Uruguay, Costa Rica, Mexico, Jordan and Tunisia.
- A complimentary open research call that engages women's organizations and research institutions to identify challenges and solutions to enhance women's participation and gender in OGP practices.
- The development of a gender-mainstreamed State of Open Government Report.

Broaden the Community

Globally, open government processes can enable more equitable, inclusive governments that deliver better for all citizens. As a major priority of the Canadian and Heller co-chairmanship, OGP will work with governments to realize opportunities to engage under-represented people – regardless of gender, race, ethnicity, age, or sexual orientation – to ensure their needs and priorities are reflected in government policies.

The Feminist Open Government Initiative will establish an international coalition of partners, both global and local, to drive effective participation for all in Open Government processes, testing productive advocacy channels that can be built upon for other politically disempowered groups.

It will also seek notable and emerging feminist voices to highlight throughout the initiative and invest in scholarships to improve diversity and inclusion at the OGP Global Summit in Ottawa (May 2019).

Institutionalize Inclusion

As a final pillar, the Feminist Open Government Initiative will be one of a number of internal initiatives within the Open Government Partnership Steering Committee and Support Unit to integrate a gender and inclusion perspective.

Institutional efforts will be undertaken to ensure countries and localities have a diversity of good practices and examples to build from, and are supported to incorporate them into co-creation processes.

The Open Government Partnership will also review and consider gender throughout upcoming institutional planning, and build staff capacity to better integrate gender perspectives within their own work.

GOAL: Encourage governments and civil society to design & implement more ambitious gender-focused and inclusive OGP commitments.



The Next Phase of OGP Local – Strategy 2019-2021

Proposed Resolution for SC Approval

The Steering Committee approves the OGP Local next steps, as outlined in the Strategy 2019-2021 document and asks the OGP Support Unit to take this forward, and report on progress at forthcoming Steering Committee meetings.

Summary of the 2019 priorities

The OGP Support Unit will:

1. Launch a call for proposal to recruit an additional 10 local participants on December 10, as approved by the Steering Committee in the [September 2017 resolution on local expansion](#);
2. Evaluate different OGPx/franchise models and propose options for an OGP policy on this in late 2019/early 2020;
3. Continue broadening the base of champions of open local government, together with selected strategic partners;
4. Continue working on the integration of local perspective and participants in whole of OGP activities, events and fora such as thematic partnerships, and;
5. Work with the Criteria & Standards subcommittee to propose changes to the Articles of Governance to address any specificities on rules or processes related to OGP Local participants.

Branding and Communications of OGP Local

Open Government Partnership believes strongly in the value of all levels of government and seeks to continue working with all aspects of subnational entities: provinces, states, devolved nations, regions, metropolitan areas, cities, and municipalities, etc. This is the foundation of what the Partnership is referring to when using the terms: subnational, local, or localities. The below strategy further strengthens this commitment to work with all levels of government.

There is also a need for appropriate branding and communications of the work. Based off discussions with program participants, an online hashtag voting process, and a review of existing communications materials for like-organizations working with subnational entities, OGP decided on using the term “Local” to define those participating in OGP at a subnational level. In this strategy, subnational and local is used interchangeably in an attempt to express OGP’s inclusive vision on “Local”. For program branding and external use, OGP will continue to use Local.

Introduction

The OGP Subnational Pilot program was launched in 2016 as part of an effort to deepen OGP’s impact, and with the aim to advance open government innovations and reforms at the local level where governments can engage more directly with citizens and many crucial public services are delivered. Following the strong early results of the pilot period, in September 2017, the OGP Steering Committee approved continued engagement of the initial 15 participants and the expansion of participant number in the program now known as the OGP Local Program.



This draft strategy describes OGP's proposed approach to that expansion over 2019-2021. The OGP Local Program will continue to harness the innovation and momentum demonstrated by local governments and civil society partners across the world. OGP will engage with subnational governments through different modalities, at different levels of subnational government and at different levels of intensity. It will also continue to explore cross-fertilisation and inspiration between the national and subnational OGP participants in the partnership.

The journey so far

OGP launched the "Subnational Government Pilot Program" in 2016. This decision recognized that many open government innovations and reforms are happening at the local level. The Pilot program consisted of 15 "pioneer" subnational governments who signed onto the [Open Government Subnational Declaration](#) and submitted their first Action Plans (APs) at the Paris Global OGP Summit in December 2016 which were implemented throughout 2017.

Following the strong early results of the pilot period between 2016 and 2017, the OGP Steering Committee approved "*maintaining the involvement of the current 15 Pioneers with new action plans in 2018, and (...) recruit up to an additional 15 Pioneers to join the program in 2018.*"¹ In early 2018, five additional subnational entities were added to what is now known as the *OGP Local program* through a competitive process. All 20 OGP Local program participants have or are expected to deliver their 2018-2020 action plans before the end of this year².

The initial objectives of the founding of the program in 2016 still mostly remain true. They are as follows with some additions:

- Foster more diverse political leadership and commitment from different levels of government to OGP and to hold governments accountable at a local level, where many citizens are directly accessing services and information.
- Learn how OGP can best support subnational governments and civil society partners in making their regions more open, accountable and responsive to their citizens and determine the best structure for subnational participation in OGP.
- Discover and promote new and innovative open government techniques and practices emerging at the subnational level around the world.
- Create practical opportunities for subnational governments and civil society partners to learn from each other, share experiences, and build upon the open government work of their counterparts.

¹[Resolution](#) unanimously adopted at the Steering Committee Meeting September 2017: "The Steering Committee welcomes the strong early results of the subnational pilot program and the 15 pioneer local governments. We recognise the crucial link between the emphasis in OGP's overall strategic refresh on citizen-centric governance and the importance of further integrating local governments into OGP. The Steering Committee recognises that the subnational pilot Pioneers model has worked well, and that OGP should build sustainably based on learning from the initial program (including from the IRM), while balancing the availability of resources and the opportunity costs associated with continued subnational expansion. We support maintaining the involvement of the current 15 Pioneers with new action plans in 2018, and we agree to recruit up to an additional 15 Pioneers to join the program in 2018. In addition, we agree to re-launch the OGP Leaders tier of subnational governments and civil society partners with an emphasis on lightweight peer learning and networking. "

² 3 to 5 participants are expected to transition to the 2019-2021 AP process.



- Support and empower subnational government and civil society reformers with technical expertise and inspiration and create the right conditions and incentives for them to make concrete commitments to open government.
- Broaden and deepen participation of civil society organizations (CSOs) in OGP.

These objectives remain true as we evaluate lessons learned from the pilot program and plan for the future of the program. There were deliberate choices made in the creation of the program to learn from past OGP lessons and practices that have aided in the program's development and success which are now also being incorporated into the overarching approach of OGP.

Lessons learned from the First Year of OGP Local

The first phase of OGP Local Program provides great insight into how OGP operated at the subnational level in the pilot phase from 2016-2017³. We have evidence across the 15 local participants that submitted action plans late 2016 and implemented over 2017. This evidence can be presented next to the most recently assessed national action plans (44 submitted in 2014 and 14 in 2015) to find out where OGP Local's relative strengths and weaknesses lie.

- **Process:** Two-thirds (67%) of OGP Local participants had a multistakeholder forum (47% national). During development, 67% of Local gave feedback on how inputs were taken into account during development (33% National) and 92% had consultation during implementation (39% National).
- **Design:** In terms of relevance and specificity, National and Local are roughly comparable. Local commitments have a much higher potential impact as assessed by the IRM. (80% for Local vs 58% for National were scored as "moderate or transformative").
- **Results:** *Completion* at the end of the (one-year) action plan was slightly lower for Local (68%) than completion at the end of the (two-year) action plan for National (77%)⁴. Most OGP Local action plans had no "stars" (well-designed and credibly implemented commitments) due to low completion rates. Local action plans had slightly more commitments with significant "Early Results"/"Did it open government" findings (20%) than National action plans (15%). A few very strong OGP Local participants also outperformed the norm (Buenos Aires, Madrid, and Ontario).

Guiding principles for OGP Local

1. *Seeking synergies* OGP will expand its subnational work in an integrated way across the partnership, seeking and supporting cross fertilization, inspiration, and, where appropriate, supporting vertical integration across different levels of government.
2. *Respecting local needs* OGP understands that local innovators need space with other local innovators, need high trust environment and protection.
3. *Sustainable growth* OGP aims for sustainable, paced growth of all layers of OGP Local to allow for a maximum contribution to delivering OGP's objectives. Most importantly, OGP will only expand the number of full participants if OGP Support Unit and IRM capacity and resources are adequate.

³ N.B. These results have been updated from the initial results presented in July 2018 at the Steering Committee meeting.

⁴ Substantially complete or completed.



4. *Derived eligibility and value check* If a country is eligible and passes the value check, local participants in said country will be eligible to apply to join OGP. Those eligible local participants will then act independently of national government and civil society partners, and in accordance with the laws of said country.
5. *Diverse local participation* OGP will continue to strive for balanced diversity of program participants across the Global North and Global South, regional distribution, types of subnational government, development patterns, etc.
6. *Competitive Entry* OGP will continue to select OGP Local participants in a competitive selection process, as has been done in the previous two phases.

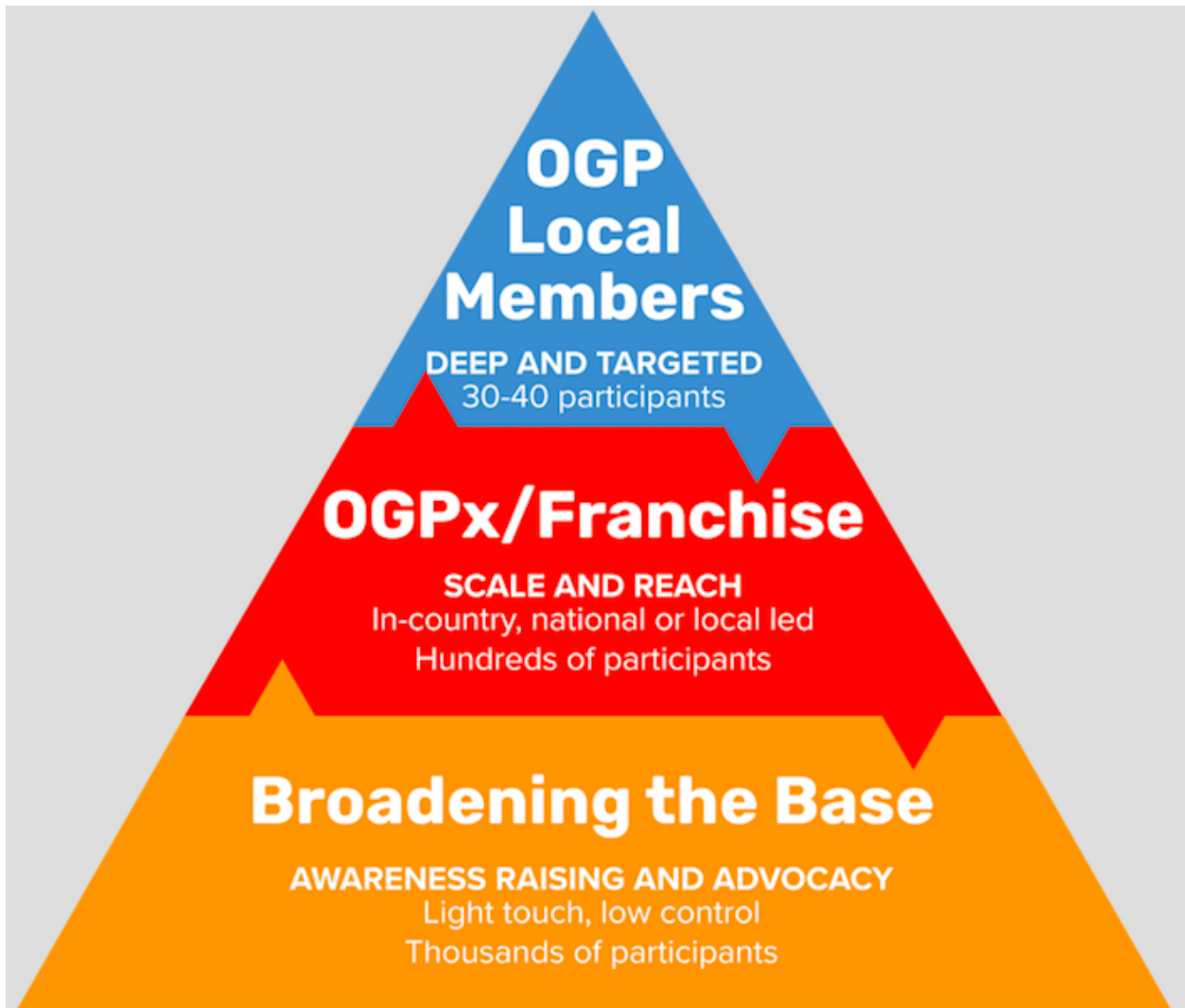
Vision and Objectives 2019 - 2021

"OGP has a simple but powerful goal: that governments should truly serve and empower their citizens. The current four-year strategy states, 'OGP's vision is that more governments become more transparent, more accountable, and more responsive to their own citizens, with the ultimate goal of improving the quality of governance, as well as the quality of services that citizens receive.' Consequently, over the next five years, OGP's success will be measured not only by the increase in the number of countries or commitments but by the extent to which ordinary citizens benefit from governments becoming more transparent, participatory, responsive and accountable."

[OGP Strategic refresh, December 2016](#)

The work OGP has been doing at the subnational level very strongly aligns with this vision, especially as the local level is where citizen and government more naturally meet, and where connecting citizens 'lived realities' with open government principles - especially around participation - are more easily realized.





The subnational stream of work going forward will have three interlinked objectives that support and inspire each other:

1. **Accelerate Deep and Targeted Reform:** OGP will work intensively with a diverse, rotating, select group of subnational governments and civil society partners to advance ambitious, innovative open government reforms. This cohort of local OGP members will support and inspire each other. Their leadership will also inspire open government reform from other subnational governments - in their own country and beyond. And while their OGP process and plan are separate of the national level process and plan, OGP will encourage vertical synergies where it makes sense. The **value proposition** for the 30-40 participants in this group is that their leadership is recognized on a global stage and that they get prime access to the in-depth support of the full partnership, including the IRM.
2. **Scale up and Increase Reach (OGPx):** Since the launch of OGP there have been numerous organic experiments around local engagement in different countries. In 2019 we will carefully assess the pros and cons of these different experiments, with the aim of rolling out codified guidance and options of expanding local engagement outside of full membership in 2020. This



will allow us to inspire open government reforms at a larger scale. The **value proposition** for the potentially hundreds of participants that OGPx will reach is that their efforts get recognized by OGP, they have prime access to OGP materials and tools (e.g. co-creation guidance, DIY assessment tools) and will benefit from proximity to the core members. This group of local open government champions will also act as a feeder system to the deep and targeted model.

3. **Broadening the Base of Champions:** Together with new and existing partner organisations like UCLG and OCP, OGP will actively engage to energize and grow a robust network of reformers, civil society, professionals, experts and funders across both local government and open government spheres. A strong network of (peer) support and advocacy will help deliver on the ambition of the open government agenda and can include participants from the above two tiers. The **value proposition** for these (individual) reformers is easy access to the conversations, thought leadership, networks and materials around local open government and OGP.⁵

A strong subnational program will not just deliver more open government at the subnational level, it will also strengthen OGP's work at the national and global level by creating opportunities for synergy, peer learning and support. The OGP local dynamic can especially inspire innovation and ambition around citizen-centric open government approaches.

For OGP to achieve its overall partnership objectives and to have maximum impact, having an inclusive 'whole-of-government' philosophy both horizontally and vertically will be crucial for advancing responsive and accountable government at global, regional, national, subnational, and community levels.

Key Approaches and Activities

Building on the three interlinked objectives that support and inspire each other we can define the major approaches and activities needed to advance OGP's vision as defined above.

Accelerate Deep and Targeted Reforms

At the core of the OGP Local program will be maximum 40 subnational participants by 2021, with an expansion of around 10 in the 2019 cohort⁶. The appropriate range will be decided on based on capacity and resources. This group will receive the full OGP "Menu of Services"⁷ package of intense engagement with peers as well as deep and targeted support from the OGP Support Unit and the full partnership.

⁵ Risks and mitigation associated with each of the above tiers is included in Annex II.

⁶ N.B. Five of the twenty 2018-2020 cohort participants are likely to move to the 2019-2021 cohort (Ontario, La Libertad, Jalisco, Paris, Bojonegoro), meaning we'd have a smaller 2018-2020 cohort implementing APs, five local participants in the "odd" cohort which could perhaps allow for a smaller increase in 2019 – around 10 new entrants.

⁷ More information on the Menu of Services was presented in the September 2017 and March 2018 Steering Committee meeting: https://www.opengovpartnership.org/sites/default/files/SC-Meeting-Packet_September2017.pdf
https://www.opengovpartnership.org/sites/default/files/ogp_SC-Meeting-Packet_20180320.pdf



This group will continue to be selected through competition and aim for diversity and there will be an expectation for “rotation” out of this tier after a predetermined period of time of two action plan cycles with the possibility of extending to three (discussed in further detail below). The participants will be grouped in relatively equal cohorts, odd and even years. Keeping smaller cohort sizes can allow for the benefits found in the 2018 IRM evaluation – i.e. a feeling of cohesion and cohort, facilitated and organic exchange, and a *founder* effect of responsive, eager engagement in the OGP process

Participants will have access to *all services from the OGP Menu of Services* for co-creation and implementation. This includes direct and peer support, the brokering of connections with thematic partners, and supporting high-level political leadership. The quality and depth of the engagement with civil society (and other actors), as well as the ambition and delivery on commitments will be assessed by the Independent Reporting Mechanism, and participants will also receive IRM recommendations. Finally, subnational participants that are eligible for World Bank assistance can submit proposals to the OGP Trust Fund for additional enhanced support.

With the ambition to keep the cohort of subnational participants relatively small, and with the desire to keep the group dynamic, innovative and diverse, it is proposed that OGP Local participants rotate out of this tier of the program after a predetermined time period, moving into the other tiers discussed below.

Participants would stay in the intense deep and targeted mode for two action plan cycles and then move on to other means of engagement (e.g. OGPx or as part of the community of practice). As such, this would mean that the current participants would finish their second AP in 2022 and new participants would be selected in 2021 to deliver their first AP in 2022. Participants entering the program in 2019 would deliver their first AP in 2019 and rotate out in 2023.

An additional “term” or “cycle” will be considered if a participant takes an explicit anchor/leadership role for the OGP Local program, for example, supporting/mentoring the onboarding of new participants. This can also counter the risk of a full new cohort bringing the loss of institutional memory and capacity, although having all new participants can also create an “esprit de corps” that helps bond the cohort together.

There would also be the option, at the end of every AP cycle, for a participant to voluntarily leave the program. The motivation to do so may be positive (felt they’ve received adequate benefits from participating in the program), neutral, or negative (feeling as though the political and/or resource capacities are not adequate to further intensive OGP involvement).⁸

Scale up and Increase Reach

Whereas there is a natural limit to the number of (eligible) countries that could join OGP, the number of local governments is almost infinite. OGP will define a limit to the number of “deep and targeted”

⁸ Other explored options include the graduation model (following 2 starred commitments, the participant would leave in the next cycle) and the continued competition model (all participants re-compete every cycle) though these were deemed resource-intensive and potentially having perverse incentives.



participants but is keen to scale up and increase the reach of the open government philosophy and approach. To do so, OGP will explore and assess models for expansion through “in-country” national or locally-led approaches that seek to achieve a high level of ambition with a potentially lower level of OGP SU resources, through what could be called a Franchise model or OGPx model.

The idea is to develop new “OGP proof” ways to achieve open government reform with high levels of quality, ambition and delivery that require different and potentially less intensive approaches to support and monitoring. OGP will also look into introducing - as part of the Open Government Awards - a special OGP Local Innovation Award - as a way to surface exciting, innovative reforms from the OGPx cohort for replication.

The first phase will review both existing and potential models and evaluate alignment with OGP’s objectives, what support is needed from the OGP SU, what assessment, whether peer or self-assessment, would be necessary, and if there is a need for a broader space to share and exchange ideas. This exploration can build on various approaches for local engagement that are underway throughout the partnership, outside OGP Local and across all regions. No systematic evaluation or research is available on any of these approaches as of yet.

For 2019, it is proposed to review existing methodologies of local expansion and integration inside and outside OGP. There are many current examples of this work, including in Steering Committee countries such as Argentina, Georgia, and Italy. This analysis should look at performance of NAP commitments that are subnational in their approaches. This analysis could/should lead to a standard that is set by the Steering Committee regarding how national action plan approach subnational (such as with the commitment cap discussion or legislative engagement discussion).

Inclusive of the above examples, existing models to review related to how OGP could grow in-country models of local open government could include:

- **Indonesia:** The 2016-2018 NAP incorporated commitments from five subnational entities from themes selected by the national government. The separate commitments for each subnational entity were added to the NAP directly, though the selection process and the co-creation process for those commitments is unclear. This inclusion of subnational commitments into the NAP is one of multiple examples of this.
- **Mexico:** Since 2015, INAI (National Institute of Transparency, Access to Information and Protection of Personal Data), an autonomous body in Mexico, has worked with develop local open government actions at the state level in Mexico. Working with state governments that express their interest, each year and through the support of civil society actors, the initiative encourages the creation of permanent dialogue mechanisms with civil society, technical secretariats, and local commitments. In 2017, a total of 26 of the 32 states in Mexico have participated, with some on the second iteration of their action plans.
- **Nigeria:** The OGP Nigeria Secretariat includes a provision in their 2017-2019 NAP for the participation of State governments in OGP in Nigeria. They have outlined steps for States to take in order to join OGP Nigeria - review and understand the NAP, write to the Secretariat to express



intent, and then the Co-chair will follow-up on the procedure for joining. As of August 2018, 9 states have joined with others indicating intent (in addition to Kaduna State which is a part of the OGP Local program). States are then expected to organize a workshop to discuss commitments and can receive assistance from the OGP Nigeria Secretariat to develop their two-year State Action Plan.

At the end of the review phase (expected in late 2019/early 2020), OGP will report on which models are most promising and propose further support and potential codification where necessary. Subnational entities that in the future would be part of this layer of engagement could see this as a step towards competing for a spot in the “deep and targeted” layer or be content with the acceleration and inspiration that OGPx will offer.

This subprogram would be supported with strong guidance materials and tools, similar to that which were developed for the work with Parliaments. Subnational entities that join the OGPx program could also tap into a strong network of Open Government champions and experts at national and local level, including the Community of Practice. It would ideally lead to the rolling out of nationally or locally-led programs that replicate OGP’s value proposition and processes independently. This will allow OGP to inspire open government reforms at a larger scale.

Broadening the Base of Champions

The final part of the OGP Local program is our contribution to fostering a rich, dynamic, knowledgeable, inspiring ecosystem of local open government champions, experts, civil society, and professionals that get empowered by their engagement with each other and in turn empower the full and OGPx participants.

Internally, OGP will work across existing departments such as Knowledge, Learning, Innovation, and Capacity Building (KLIC), Communications, Global and Thematic teams to ensure we have high quality value propositions, inspiring stories, compelling draft commitments and a powerful network of partners.

Externally, OGP would seek to encourage local government partners to advance open government principles into their work and operating systems. In collaboration with these networks we want to raise awareness, inspire, and advance local open government, promote cooperation, and increase political influence of local entities wanting to work on open government. Potential participants include global local government networks such as UCLG, C40 and WeGO, and other global Open Government networks. This work could also advance on capacity building pursuits, in alignment with existing OGP work through teams such as KLIC and Thematic.

We would also engage and support OGP thematic partners to further integrate and advance local work in addition to their global and national pursuits (i.e. OCP, GIFT, etc.) either through existing local networks or encouraging the development of that engagement. We will similarly seek to engage existing civil society networks such as Civicus Affinity Group of National Associations to work to further advance civil society engagement and support in this tier.



In 2019, OGP will invest in the partnership with UCLG on Open Local Government as a key anchor of the Community of Practice component of broadening the base. In 2020 we will assess if additional or different efforts are needed. The aim for this work would be to provide reformers easy access to the conversations, thought leadership, networks and materials around local open government and OGP and to broaden the base building on pre-existing spaces for engagement of interested parties and partners.

This part of the strategy should be light-touch and mostly executed through partners, yet is essential to build a strong local open government base.

ANNEX 1 - TIMELINE

Dec 2018	SC Approval & Selection Committee decided Call for expansion (10) – open Dec 2018 to Feb 2019
Jan 2019	Call for research on OGPx models
March 2019	Announce entry of odd-year cohort – 10 new participants
May 2019	Invitation to Global Summit + onboarding workshop for all SC Meeting: Decision on required AoG changes ⁹
Aug 2019	Delivery date odd-year APs, inclusive of new OGP Local
Q3 2019	Delivery of OGPx models research
Q3 2019	Development of OGPx model based on research - for approval by SC

⁹ Steering Committee materials (Tbilisi, July 2018)

- *Check existing OGP Rules of the Game and see if there are any additions and exceptions needed for OGP Local.*
- *Check existing IRM methodology and see if there are any additions and exceptions needed for OGP Local.*
- *Develop specific OGP Local rules*
 - *How do we look at OGP Local eligibility and Values Check?*
 - *Are there modalities that can be considered for SC representation?*
 - *Define the relation between OGP Local participant and the 'parent country.'*
 - *Develop thinking around 'OGP Local contributions.'*
 - *Formalize potential graduation model of OGP Local participants, where participants rotate out of the OGP Local program after a set period of time or an achievement.*
 - *Harmonizing and cleaning up of OGP Standards / materials (e.g. Participation and Co-creation standards, POC Manual).*



ANNEX 2 - Risks and Mitigation Chart

<i>Tier</i>	<i>Risks</i>	<i>Mitigation</i>
<i>Accelerate Deep and Targeted Reform</i>	<ol style="list-style-type: none"> 1. Increased expectations in expanding the program for those who have been denied acceptance multiple times, which could be politically difficult. 2. OGP processes will be “abandoned” following rotation from the program – this risk is one we already see taking place at national levels (backsliding, being put under review, not delivering action plans) without rotation so is not unique to the local program. 3. Leaving civil society without access to key elements of OGP process and accountability¹⁰ through the governance and support of OGP. 4. A political risk of national governments leaving the partnership (or being removed from the partnership) while local entities continue engaging in OGP. 	<ol style="list-style-type: none"> 1. Manage communications of the selection criteria and potential expected make-up/mix of those accepted in the call for proposals. Communicating the growth of the program through the other two tiers will provide space for participants who may not be accepted. 2. The goal of this tier is as an accelerator and incubator program, and the work during the participant’s full membership period should work to help institutionalize and normalize the OGP approach. 3. Mitigating this risk will rely on the below tier and how assessment and other elements transfer in the below model. 4. Rules of the Game discussions in 2019 should help further determine the risks and mitigation strategy.
<i>Scale up and Increase Reach (OGPx)</i>	<ol style="list-style-type: none"> 1. this could potentially require greater resources and support of the 	<ol style="list-style-type: none"> 1. Risks could potentially be mitigated through the creation of peer or self-assessment models.

¹⁰ N.B. Rules of the Game discussions to take place under Criteria and Standards in early 2019.



	<p>Support Unit in a potentially unsustainable growth pattern than originally expected.</p> <ol style="list-style-type: none"> 2. There are risks to the OGP brand if there are not adequate safeguards for the quality of the OGPx model, particularly if there are issues related to closing civic space and stakeholders acting out of alignment with OGP's values without any OGP governance over their engagement. 	<ol style="list-style-type: none"> 2. Reviewing the costs, the objectives, and the return on investment of the OGPx model in 2020 could help mitigate the potential of OGPx consuming large amounts of OGP resources. 3. Further risks will be evaluated in the 2019 review process.
<p><i>Broadening the Base of Champions</i></p>	<ol style="list-style-type: none"> 1. The community of practice does not engage reformers or build awareness as expected and grows to require larger amounts of resources than benefits. 2. There are reputational risks that this becomes a space solely for governments, not finding space for civil society engagement, as well as a space solely for "talk" and not "action". 3. There is also a risk of lack of engagement and a recognition that virtual communities can be difficult to maintain at a productive, effective level. 	<ol style="list-style-type: none"> 1. The mitigation of these risks are to check in 2020 after investing time and effort in 2019 to see if this approach is achieving the desired outcomes as well as managing the work of the SU staff tasked to support this tier so that it does not become a resource sink.



**Criteria and Standards Recommendation to the OGP Steering Committee
Regarding the Participation of Trinidad and Tobago in OGP (5 December 2018)**

**Resolution of the OGP Steering Committee regarding the status of the Government of
Trinidad and Tobago’s participation in OGP**

5 December 2018

The OGP Steering Committee welcomes Trinidad and Tobago’s participation in the Open Government Partnership (OGP) since 2013. The OGP Steering Committee further welcomes the letter dated 4 December 2018 that outlines specific steps the country will be taking to submit an OGP action plan and recognizes the continued efforts demonstrated by both the Government of Trinidad and Tobago and civil society to remain engaged in OGP.

However, considering that the government of Trinidad and Tobago has acted contrary to OGP process by not delivering an action plan for three consecutive cycles, **the OGP Steering Committee hereby resolves that, under provisions set out in the OGP Articles of Governance, the Government of Trinidad and Tobago should be designated as inactive in OGP.**

This inactivity status will be immediately ended upon the submission of an OGP Action Plan. The Steering Committee further agrees to offer all necessary support in order to help Trinidad and Tobago to remain engaged in the Partnership.

For countries placed in inactive status by decision of the full Steering Committee after acting contrary to OGP process, the inactive status lasts up to a maximum of one year, or:

- Until the country publishes an action plan, developed in line with OGP Participation and Co-Creation Standards, or
- The country works with the Criteria and Standards subcommittee and the Support Unit to set a clear timeline to start a new action plan cycle and re-engage with civil society for producing the new action plan.

If, however, a country remains in inactive status for a year without communicating to the Support Unit that it wants to continue to participate in OGP, the Criteria & Standards subcommittee will recommend that the Steering Committee instructs the Support Unit to remove such country from the list of participating countries.

In addition, the following inactivity conditions apply:

- While inactive, Trinidad and Tobago will continue to receive Steering Committee and Support Unit assistance, and the IRM will assess its future action plan.
- While inactive, Trinidad and Tobago will not be eligible to vote or run in Steering Committee elections, and may only attend OGP events as observers for learning purposes.
- While inactive, Trinidad and Tobago’s inactivity will be noted on the OGP website and public information materials, where appropriate (e.g., in a list of participating OGP countries).
- Any country, whether in active or inactive status, may at any time decide itself to withdraw from OGP.

-----*End Resolution*-----



Background

The Government of Trinidad and Tobago has been found acting contrary to OGP processes due to failure to deliver a National Action Plan (NAP) for four consecutive action plan cycles since 2016. Consequently, Trinidad and Tobago's participation in OGP has been under review by the Criteria and Standards (C&S) Subcommittee since November 2016. This brief provides an overview of: (A) Trinidad and Tobago's participation in OGP to date; (B) the current rules of OGP Procedural Review and (C) the recommendation of the C&S to the Steering Committee (SC) regarding Trinidad and Tobago's participation status in OGP.

A. Overview of Trinidad and Tobago's participation in OGP

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

The Government of Trinidad and Tobago submitted their Letter of Intent to join OGP on February 22, 2012, and submitted its first and only OGP Action Plan (AP) in 2014. On March 21, 2016, the OGP Support Unit sent a [letter](#) to the Government of Trinidad and Tobago informing that they had acted contrary to OGP processes for the first time due to failure to publish its Self-Assessment Report by January 31, 2016, four months after the deadline of September 30, 2015. The letter stated the Support Unit's recommendation that Trinidad and Tobago meet upcoming OGP deadlines, such as publishing its new NAP by June 30, 2016 to avoid the possibility of future review by the C&S.

2. Action Plan Cycle 2016-2018 - 2nd instance acting contrary to OGP Process

On November 14, 2016, the OGP Support Unit sent a [letter](#) informing Trinidad and Tobago that they had acted contrary to the OGP Process for the second consecutive action plan cycle due to failure to deliver a NAP by October 31, 2016, four months after the deadline of June 30, 2016, and that its participation in OGP will be reviewed by the C&S. The OGP Support Unit and Steering Committee offered to support with all appropriate technical knowledge, peer exchange opportunities and guidance so that Trinidad and Tobago can re-engage in the OGP process and finalize the Action Plan.

The Trinidad and Tobago Point of Contact (POC) indicated that Trinidad and Tobago will be unable to submit a NAP for 2016 and requested its NAP cycle to be delayed to 2017. A subsequent [letter](#) was sent from the OGP Support Unit on January 12, 2017 informing the Government of Trinidad and Tobago that their action plan cycle had been shifted from an "even year" to an "odd year" and that the new deadline to submit the NAP is June 30, 2017.

3. Action Plan Cycle 2017-2019 - 3rd instance acting contrary to OGP Process

On December 5, 2017, the OGP Support Unit sent a [letter](#) informing Trinidad and Tobago that they had acted contrary to the OGP Process for the third consecutive action plan cycle due to failure to submit a NAP by October 31, 2017, four months after the deadline of June 30, 2017. The



letter also informed Trinidad and Tobago that if the NAP was not delivered by the end of 2017 (December 31, 2017), the C&S will immediately recommend to the full Steering Committee that Trinidad and Tobago be designated as inactive in OGP for in-person Steering Committee meeting in 2018. A subsequent [letter](#) was sent to Trinidad and Tobago on January 18, 2018 informing that their NAP cycle has shifted from an “odd year” to an “even year” and the deadline to deliver a NAP is August 31, 2018.

4. *Action Plan Cycle 2018-2020*

Marlene McDonald was appointed Minister of Public Administration and Communications on March 2018. On May 14, 2018, after more than 18 months of no communication, the Support Unit successfully managed to speak with the Trinidad and Tobago Point of Contact (POC). The POC expressed that the Government of Trinidad and Tobago is willing to re-engage with OGP, pending validation from Minister McDonald. The POC also confirmed that all previous communications sent by the OGP Support Unit had been received, including the most recent ones: 1) C&S co-chairs letter sent to the Trinidad and Tobago Embassy in Washington D.C. on April 3, 2018; 2) Letter signed by the OGP CEO addressed to newly appointed Minister McDonald sent via regular mail and email on May 3, 2018 and 3) Invitations for the Trinidad POC and Minister McDonald to attend the Georgia Global Summit, sent on May 23, 2018. The OGP Support Unit offered a country visit to work with the Government of Trinidad and Tobago on the development of a plan for re-engagement in OGP, as well as to arrange a possible call between OGP C&S co-chairs and Minister McDonald. The POC confirmed that these proposals would be communicated to Minister McDonald. However, no further communication has been received, despite ongoing attempts by the Support Unit.

The C&S provided Trinidad and Tobago the opportunity to develop and present an AP during the 2018 action plan cycle in order to prevent being designated inactive. However, the government of Trinidad and Tobago did not submit an AP by the August 31st deadline. The Support Unit had a phone conversation with the Trinidad and Tobago POC on September 20, 2018, who indicated awareness of the timelines and risks of being designated inactive, and indicated that they will begin developing an action plan in 2019. The government of Trinidad and Tobago will deliver a letter to the SU indicating their intent to re-engage in OGP which will be presented to C&S upon receipt.

B. Rules related to countries’ participation in OGP

During its June 2017 meeting, the SC adopted a resolution to clarify the rules related to country participation in OGP, outlining the actions considered to be acting contrary to [OGP process](#). As per the resolution, the four triggers for acting contrary to process are:

1. The country does not publish a National Action Plan within 4 months of the due date;
2. The government does not meet the IAP involve requirement during development or inform during implementation of the NAP as assessed by the IRM;



3. The government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance;
4. The IRM Report establishes that there was no progress made on implementing any of the commitments in the country's National Action Plan.

Furthermore, the C&S has determined to automatically recommend inactivity status for countries that have acted contrary to process for three consecutive action plan cycles.

C. Criteria and Standards Subcommittee recommendation regarding Trinidad and Tobago's participation in OGP

As per the information presented above, the Government of Trinidad and Tobago has acted contrary to OGP process for three consecutive action plan cycles (2015, 2016, 2017), and failed to deliver an Action Plan on during the 2018 cycle by the August 31st deadline. For these reasons, the Criteria and Standards Subcommittee hereby recommends to the Steering Committee to designate Trinidad and Tobago as inactive in OGP during their next in person meeting. The C&S recommendation will be tabled for full SC approval at its December 5-6 meeting. The inactivity status would end as soon as the Action Plan is delivered (no later than one year after the inactivity resolution is issued).



Criteria and Standards Recommendation to the OGP Steering Committee Regarding the Participation of Bosnia and Herzegovina in OGP (5 December 2018)

Resolution of the OGP Steering Committee regarding the status of the Government of Bosnia and Herzegovina's participation in OGP

5 December 2018

The OGP Steering Committee appreciates Bosnia and Herzegovina's participation in the Open Government Partnership (OGP) since 2014. The OGP Steering Committee further welcomes the letter dated 4 December 2018 that outlines specific steps the country will be taking to submit an OGP action plan and recognizes the continued efforts demonstrated by both the Government of Bosnia and Herzegovina and civil society to remain engaged in OGP.

However, considering that the government of Bosnia and Herzegovina has acted contrary to OGP process by not delivering an action plan for three consecutive cycles, **the OGP Steering Committee hereby resolves that, under provisions set out in the OGP Articles of Governance, the Government of Bosnia and Herzegovina should be designated as inactive in OGP.**

This inactivity status will be immediately ended upon the submission of an OGP Action Plan. The Steering Committee further agrees to offer all necessary support in order to help Bosnia and Herzegovina to remain engaged in the Partnership.

For countries placed in inactive status by decision of the full Steering Committee after acting contrary to OGP process, the inactive status lasts up to a maximum of one year, or:

- Until the country publishes an action plan, developed in line with OGP Participation and Co-Creation Standards, or
- The country works with the Criteria and Standards subcommittee and the Support Unit to set a clear timeline to start a new action plan cycle and re-engage with civil society for producing the new action plan.

If, however, a country remains in inactive status for a year without communicating to the Support Unit that it wants to continue to participate in OGP, the Criteria & Standards subcommittee will recommend that the Steering Committee instructs the Support Unit to remove such country from the list of participating countries.

In addition, the following inactivity conditions apply:

- While inactive, Bosnia and Herzegovina will continue to receive Steering Committee and Support Unit assistance, and the IRM will assess its future action plan.
- While inactive, Bosnia and Herzegovina will not be eligible to vote or run in Steering Committee elections, and may only attend OGP events as observers for learning purposes.
- While inactive, Bosnia and Herzegovina's inactivity will be noted on the OGP website and public information materials, where appropriate (e.g., in a list of participating OGP countries).
- Any country, whether in active or inactive status, may at any time decide itself to withdraw from OGP.

-----*End Resolution*-----



Background

The Government of Bosnia and Herzegovina has acted contrary to OGP processes due to failure to deliver an OGP Action Plan (AP) for three consecutive Action Plan cycles since 2015. Consequently, Bosnia and Herzegovina's participation in OGP has been under review by the Criteria and Standards (C&S) Subcommittee since 2016. This brief provides an overview of: (A) Bosnia and Herzegovina's participation in OGP to date; (B) the current rules of the OGP Procedural Review and (C) the recommendation of C&S to the Steering Committee (SC) regarding Bosnia and Herzegovina's participation status in OGP.

In Bosnia and Herzegovina's decision to participate in OGP, it was mandated that an OGP Advisory Committee be established to advise and coordinate the i) promotion of transparency and openness in public administration; ii) citizen engagement in the design of public policy and iii) development of Bosnia and Herzegovina's NAP. The Council of Ministers also mandated that the OGP Advisory Committee be composed of both representatives from state and entity levels of government and civil society from the Central government, Federation of Bosnia-Herzegovina, Brcko District and Republika Srpska. The Central Government, Federation of Bosnia-Herzegovina and Brcko District had indicated their participation in OGP by appointing the two representatives required to the Advisory Committee. However, the Republika Srpska had not appointed a second representative to the Advisory Committee until 2018, preventing BiH from being able to begin the co-creation process to develop its first OGP AP.

A. Overview of Bosnia and Herzegovina's participation in OGP

The Government of Bosnia and Herzegovina submitted their Letter of Intent to join OGP on September 1, 2014. In Bosnia and Herzegovina's decision to participate in OGP, it was mandated that an OGP Advisory Committee be established to advise and coordinate the i) promotion of transparency and openness in public administration; ii) citizen engagement in the design of public policy and iii) development of Bosnia and Herzegovina's NAP. The Council of Ministers also mandated that the OGP Advisory Committee be composed of both representatives from state and entity levels of government and civil society from the Central government, Federation of Bosnia-Herzegovina, Brcko District and Republika Srpska. The Central Government, Federation of Bosnia-Herzegovina and Brcko District had indicated their participation in OGP by appointing the two representatives required to the Advisory Committee. However, the Republika Srpska had not appointed a second representative to the Advisory Committee until 2018, preventing BiH from being able to begin the co-creation process for it to develop its first OGP AP.

1. Action Plan Cycle 2015-2017 - 1st instance acting contrary to OGP Process

On November 15, 2015, the OGP Support Unit sent a [letter](#) to the Government of Bosnia and Herzegovina informing that they had acted contrary to OGP processes for the first time because of their failure to deliver a NAP by November 1, 2015, four months after the deadline of July 1, 2015. The letter stated the Support Unit's recommendation that Bosnia and Herzegovina develop a AP in consultation with civil society to avoid the possibility of review by the C&S. The OGP Support Unit sent a subsequent [letter](#) on January 7, 2016 informing the Government of Bosnia and Herzegovina that their Action Plan cycle has shifted from an "odd year" to an "even year" and the new deadline to submit their NAP is June 30, 2016.



2. *Action Plan Cycle 2016-2018 - 2nd instance acting contrary to OGP Process*

On November 14, 2016, the OGP Support Unit sent a [letter](#) informing the Government of Bosnia and Herzegovina that they had acted contrary to the OGP Process for the second consecutive Action Plan due to failure to deliver a NAP by October 31, 2016, four months after the deadline of June 30, 2016 and. The letter stated that Bosnia and Herzegovina's participation status in OGP has been placed under review by the C&S Subcommittee. The OGP Support Unit and Steering Committee offered to support Bosnia and Herzegovina with all appropriate technical knowledge, peer exchange opportunities and guidance so that Bosnia and Herzegovina can re-engage with OGP and finalize their NAP. On January 12, 2017, the Support Unit sent a subsequent [letter](#) informing the Government of Bosnia and Herzegovina that their Action Plan cycle has shifted from an "even year" to an "odd year" and the new deadline to submit their NAP is June 30, 2017.

3. *Action Plan Cycle 2017-2019 - 3rd instance acting contrary to OGP Process*

On November 28, 2017, the OGP Support Unit sent a [letter](#) informing the Government of Bosnia and Herzegovina that they had acted contrary to OGP Process for the third consecutive Action Plan cycle due to failure to produce a NAP by October 31, 2017, four months after the deadline of June 30, 2017. The letter also informed the Government of Bosnia and Herzegovina of the C&S Subcommittee's decision that if a NAP is not submitted by December 31, 2017, it would immediately recommend to the full Steering Committee that Bosnia and Herzegovina be designated as inactive in OGP during the in-person meeting in 2018. The OGP Support Unit and Steering Committee offered to support Bosnia and Herzegovina with all appropriate technical knowledge, peer exchange opportunities and guidance so that Bosnia and Herzegovina can re-engage with OGP and finalize their NAP. On January 18, 2018, the Support Unit sent a subsequent [letter](#) informing the Government of Bosnia and Herzegovina that their Action Plan cycle has shifted from an "odd year" to an "even year" and the new deadline to submit their NAP by August 31, 2018.

4. *Action Plan Cycle 2018-2020*

On December 18, 2017, the OGP Support Unit received a [letter](#) from Minister Justice Josip Grubeša, with an update on the OGP process in the country and stated that should Republika Srpska, the only remaining government body to not join OGP, the Council of Ministers would propose a new solution to carry the OGP process forward. On April 5, 2018, Mr. Goran Kučera, the point of contact for the government of BiH, joined the monthly C&S at the invitation of the C&S chairs. The POC provided an update on the latest developments on the status of the OGP process since Minister Grubeša's letter from December 2017. Following continued support and outreach from the Support Unit and the C&S Subcommittee, the Republika Srpska confirmed the appointment of their representative to the Advisory Council in early May of 2018. With the Advisory Council fully composed for the first time since joining OGP, the first meeting of the MSF was held on May 29-30, 2018. The first day of the meeting was to constitute the Forum and the second day they started the work on co-creation. The second session of the MSF was held on



June 21. During the month of August they have gathered the proposals from all three levels of the Government and are hoping to have the first draft in September. As soon as the draft will be available the plan is to have online public consultations and possibly some round table discussions organized. They will most probably have the AP in place by the end of September but it's highly unlikely that it will be adopted before the October 1 elections.

B. Rules related to countries' participation in OGP

During its June 2017 meeting, the SC adopted a resolution to clarify the rules related to country participation in OGP, outlining the actions considered to be acting contrary to [OGP process](#). As per the resolution, the four triggers for acting contrary to process are:

1. The country does not publish a National Action Plan within 4 months of the due date;
2. The government does not meet the IAP involve requirement during development or inform during implementation of the NAP as assessed by the IRM;
3. The government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance;
4. The IRM Report establishes that there was no progress made on implementing any of the commitments in the country's National Action Plan.

Furthermore, the C&S has determined to automatically recommend inactivity status for countries that have acted contrary to process for three consecutive action plan cycles.

C. Criteria and Standards Subcommittee recommendation regarding Bosnia and Herzegovina's case

As per the information presented above, the Government of Bosnia and Herzegovina has acted contrary to OGP process for three consecutive action plan cycles (2015, 2016, 2017), and failed to deliver an Action Plan during the 2018 cycle by the August 31st deadline. For these reasons, the Criteria and Standards Subcommittee hereby recommends to the Steering Committee to designate Bosnia and Herzegovina as inactive in OGP during their next in person meeting. The C&S recommendation will be tabled for full SC approval at its December 5-6 meeting. The inactivity status would end as soon as the Action Plan is delivered (no later than one year after the inactivity resolution is issued).



Update on the OGP Response Policy case concerning the Government of Mexico (5 December 2018)

On 16 July 2018, the core group of civil society organizations that used to form part of the secretariat tasked to coordinate the OGP agenda in Mexico submitted a Letter of Concern (LoC) with respect to the case of digital surveillance under the OGP Response Policy. After initial review of the LoC, the Support Unit (SU) has concluded that it meets the eligibility criteria to trigger a Response Policy inquiry. The initial review does not assess the merits of the concern itself, or lack thereof.

As a next step, the Criteria and Standards subcommittee (C&S) Co-Chairs will lead a review of the merits of the concern in coordination with the SU. As part of this review, a consultant will be contracted to assess the veracity of the information provided in the concern. In addition, in line with the Response Policy protocols, the government has been asked for a formal response to the issue(s) raised in the LoC. Considering the current government transition taking place in Mexico, the incoming administration has also been offered the opportunity to provide a formal response.

The LoC and all other materials regarding this Response Policy case can be found in [this webpage](#) which is updated on a rolling basis. The full Response Policy and protocols can be found [here](#).



OGP Resolution on the participation of Azerbaijan in the Open Government Partnership – C&S Proposed Resolution (5 December 2018)

The Steering Committee recognizes the recent positive steps taken by the government of Azerbaijan, such as the development of a new one-stop shop e-service platform for the registration of non-governmental actors (NGOs). However, the core issues raised in the original Response Policy letter of concern filed by civil society organizations in 2015, and validated by the Criteria and Standards (C&S) subcommittee, remain unresolved. The evidence assessed by OGP and third party experts shows that, although there have been sporadic improvements in the operating environment of civil society during the last 12 months, the government of Azerbaijan has not made systematic changes or reforms that would thoroughly address the updated C&S recommendations. All NGOs consulted highlighted that there remain substantial challenges in the overall operating environment for civil society in the main two issues addressed by the updated recommendations: registration and funding of NGOs. It is also worth noting that all local stakeholders, including government and civil society within and outside of the OGP Forum, concurred that despite the challenges faced by NGOs, there is value in the continued engagement and space for dialogue that the OGP forum in Azerbaijan creates.

For these reasons, the Steering Committee hereby resolves to extend the suspended¹ status of Azerbaijan for a full action plan cycle, pending the completion of the following milestones:

- I. By 1 March 2019, prepare a roadmap for the development of the 2019-21 OGP action plan in line with at least the minimum requirements outlined in the OGP Participation and Co-Creation Standards. This roadmap shall also include a timeline of key meetings for the OGP Forum, and the process for involving other stakeholders outside of the OGP Forum to participate in the co-creation of the action plan. This roadmap shall be published by the government, and submitted to the C&S co-chairs by the established deadline.
- II. By 1 June 2019, appoint a high-level government representative (ministerial level or above) to lead the OGP process in Azerbaijan.
- III. By 1 June 2019, begin the development of an OGP action plan through an inclusive process that engages a wide array of actors beyond the OGP Forum, and includes reforms to address the civic space constraints highlighted in the updated recommendations and other domestic priorities.
- IV. By 31 December 2019, complete, adopt and submit to the Support Unit a finalized OGP action plan.
- V. By 31 August 2021, complete implementation of the OGP action plan. This action plan will be assessed by the IRM.

The terms of this resolution are contingent upon the timely achievement of the milestones outlined above. Failure to adhere to the established timeline of the said milestones would automatically result in the finalization of the Response Policy review, making Azerbaijan's suspension from the OGP permanent. Permanent suspension would continue until such a time that the government of Azerbaijan provides evidence of meeting the Response Policy recommendations issued on September 2017. Such evidence shall be validated by external expert review and approved by the Steering Committee.

- *If at any point during that action plan cycle the Criteria and Standard subcommittee determines that the original concerns have been addressed by the government of Azerbaijan, it shall recommend to the full Steering Committee that the country be placed back in active status immediately.*
- *While suspended, Azerbaijan will continue to receive Steering Committee and Support Unit assistance, and the IRM will assess its future action plan.*
- *While suspended, the Government of Azerbaijan would not be eligible to vote in Steering Committee elections, and may only attend OGP events as an observer for learning purposes.*
- *While suspended, Azerbaijan's status would be noted on the OGP website and public information materials, where appropriate (e.g., in a list of participating OGP countries).*

¹ Reflecting updated terminology from "inactive" to "suspended" in line with the revised language incorporated in the Response Policy review approved by the Steering Committee on 20 September 2017.

-----End Resolution-----



I. Background on the Azerbaijan Response Policy case

On September 2014, the Open Government Partnership (OGP) Steering Committee (SC) adopted the [Policy on Upholding the Values and Principles of the OGP](#) (otherwise known as the “Response Policy”). The Response Policy aims to maintain OGP’s credibility - and safeguard its long-term future - by helping to ensure that all Participating Countries uphold OGP values and principles, as expressed in OGP’s foundational documents, the Open Government Declaration (which all countries endorse when joining OGP, albeit in a non-binding, voluntary manner), and the Articles of Governance. The Response Policy has two objectives: a) assist a country in question overcome difficulties and help re-establish an environment for government and civil society collaboration, and b) safeguard the Open Government Declaration and mitigate reputational risks to OGP.

On March 2015, three civil society organizations (CSOs) addressed a [letter of concern](#) to OGP’s SC under the Response Policy addressing several issues pertaining to the operating environment for civil society in Azerbaijan, and how these issues affected CSO’s ability to engage effectively in the OGP process. The letter urged the SC to call on the Azeri government to take necessary actions to reestablish the necessary space for CSOs to operate freely in the country. The Criteria and Standards subcommittee (C&S) drafted a [report](#) informed by review of the Articles of Governance and the Open Government Declaration, and sought to establish the veracity of the claim by cross-referencing the concern with IRM data, and reviewing government, civil society, media and United Nations sources. Based on this research and analysis, the C&S deemed the concern to be relevant, true, and accurate.

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

On May 4, 2016, the SC [designated Azerbaijan as inactive](#) in OGP due to unresolved constraints on the operating environment for CSOs. The inactivity resolution outlined that the government of Azerbaijan would have one year to implement actions necessary to address the original concerns in order to fully re-engage with OGP and regain its active participant status. In 2017, the C&S assessed the progress made on the recommendations ahead of the deadline, and drafted a brief report with the support of third party analysis, external reports, mission reports and interviews with key stakeholders in Azerbaijan. The report concluded that while Azerbaijan made noticeable efforts in order to address the recommendations under the Response Policy review, particularly regarding OGP process concerns, the core concerns regarding the operating space for CSOs were not fully addressed. Given the evidence of initial improvements, and that all stakeholders consulted by the SC and SU concurred in the importance for OGP to continue engaging with the government and civil society, the C&S recommended an extension of the inactivity status.

On June 28, 2017, [the SC resolved to extend Azerbaijan’s inactivity status for a period of one year](#). The SC further mandated the C&S, in consultation with civil society and government, to develop an updated set of recommendations to improve the unresolved constraints on the operating space for CSOs, namely the CSO registration process and access to funding by CSOs. The Government of Azerbaijan had one year, beginning on September 25, 2017, to address [these updated recommendations](#) in order to regain active status in OGP.



This document drafted by the SU and C&S with the inputs from the government of Azerbaijan, civil society actors and international experts aims to summarize the actions that the government of Azerbaijan has done to date in an attempt to address the updated recommendations. Section 1 outlines how the recommendations were drafted, and section 2 analyzes the evidence put forward by several actors.

The evidence assessed in this report shows that, although there has been sporadic improvements in the operating environment of civil society during the last 12 months, the government of Azerbaijan has not made systematic changes or reforms that would thoroughly address the updated recommendations. All non-governmental actors consulted highlighted that there remain substantial challenges in the overall operating environment for civil society in the main two issues addressed by the updated recommendations: registration and funding. However, it is important to consider that all local stakeholders also mentioned that, despite the challenges, they value the continued engagement and space for dialogue that the OGP forum in Azerbaijan creates.

II. Review of the C&S Updated Recommendations for Azerbaijan

The process to develop updated recommendations to address the unresolved constraints on the operating environment for civil society organizations included two rounds of consultations to enable all stakeholders to provide input. This included a three-week period (July 24, 2017 to August 11, 2017) where several stakeholders provided draft that became updated set of recommendations, and a two-week period (August 29, 2017 - September 13, 2017) for a round of public comments on the draft recommendations.

The recommendations only addressed the unresolved constraints on the operating environment for civil society organizations identified in the report, namely CSO registration and access to funding. The recommendations did not include proposals received regarding the OGP process and the implementation or development of the current, or future, OGP action plan. The government of Azerbaijan had one year, beginning on **September 25, 2017**, to address the following recommendations in order to regain active status in the Partnership:

Updated Recommendations to the Government of Azerbaijan
<p>1. Simplify registration process for Civil Society Organizations (CSOs)</p> <p><i>1.1 Simplify the procedures for establishing and registering CSOs in Azerbaijan and remove discretionary actions that limit their ability to operate. Some concrete proposals to do this are:</i></p> <ul style="list-style-type: none"> • Enable the online registration of CSOs, including the ability to amend registration documents. • Fulfill the registration of CSOs within set time limits. • Registration of CSOs should only be denied on clear grounds that are legitimate under international law. <p><i>1.2 Eliminate requirement for CSOs to obtain an extract (registration certificate) every two years. Registration should be a one-time procedure; CSOs should not have to periodically re-register, or even re-register under a newly enacted law.</i></p>



1.3 Revise the Code of Administrative Offences to reduce the number of penalties and prevent excessive harshness for CSOs.

2. Simplify regulations to access funding

2.1 Introduce changes to limit the discretion to arbitrarily deny grant registration or, ideally, eliminate this procedure.

2.2 Introduce changes related to donor registration. Some concrete proposals to do this are:

- Eliminate the need for foreign donors to register individual grants with the Government of Azerbaijan
- Eliminate the necessity for a foreign donor to have an agreement with the Ministry of Justice and register its representative office in Azerbaijan, in order to be a grantor.
- Exclude foreign donors that operate on the base of bilateral and multilateral agreements from the obligation to obtain the right to provide grants.

2.3 Eliminate the need to obtain the opinion on 'financial-economic expediency' in order to issue or receive a foreign grant.

2.4 Simplify financial operations for NGOs. In particular, bank operations related to grants and donations should remain independent and not be subject to any state interference.

II. Assessment of Recommendation Completion

This section includes analysis of the progress made to address each of the updated recommendations outlined above in section I. For each recommendation a table has been drafted which includes the text of the recommendation, a summary of the information provided by the government of Azerbaijan and the OGP Forum, and a summary of the information provided by other partners and international experts who have been engaged throughout this Response Policy case. The table includes a brief assessment of the completion of each recommendation based on the information provided.

NOTE: The analysis is based on third party analysis. It is important to note that in a few cases there is conflicting information about specific reforms or requirements, or conflicting interpretations of a specific regulation. In these cases, excerpts of the conflicting views were included. Still, there is enough information to assess the overall direction of the information received, and even conflicting interpretations yield the assessments outlined.

1. Simplify registration process for Civil Society Organizations (CSOs)

The elimination of artificial bureaucratic obstacles in the registration process for NGOs, by reducing the time of the official response to applications and setting up a transparent manner of regulations, has not been implemented. Online registration for NGOs and the option to modify registration documents have not been implemented either. The regulation, which stipulates that a rejection of registration is only to be denied based on a clear legal basis, has not been complied with. Although the number of documents required for official permission for foreign donors to open a representative office and issue grants in Azerbaijan has been slightly reduced, at least 8 additional documents are still required. The calls for simplification of the registration for NGOs, along with abolishing the requirement for registration of grants and service contracts, remain unanswered.



1.1 Simplify the procedures for establishing and registering CSOs in Azerbaijan and remove discretionary actions that limit their ability to operate. Some concrete proposals to do this are:

- Enable the online registration of CSOs, including the ability to amend registration documents.
- Fulfill the registration of CSOs within set time limits.
- Registration of CSOs should only be denied on clear grounds that are legitimate under international law.

Summary of inputs provided by the Government of Azerbaijan and the OGP Platform	Summary of inputs provided by partners and other experts
<ul style="list-style-type: none"> • During 2017-2018, the registration of 237 NGOs was fulfilled within set time limits, and currently there are more than 4,289 non-profit organizations operating in Azerbaijan. • Following recommendations of the OGP Platform in Azerbaijan, and in order to further simplify procedures regulating the activities of NGOs, a new one-stop shop e-service platform has been established. This digital platform includes all NGOs and relevant state bodies. • Currently, NGOs can send requests to and review requests of state bodies and can also interact with each other online. Furthermore, NGOs, through the new system, can review (i) their registry information, (ii) changes made to their statute and (iii) information on registry of grants received. 	<ul style="list-style-type: none"> • There has been neither legal nor practical change in the direction of simplifying the registration process over the last year. This has also been confirmed by the results of the survey conducted among 50 leading NGOs. It should be noted that about 86 percent of survey respondents answered "No" the question "Has the simplify the procedures for establishing and registering and have been removed the discretionary actions that limit their ability to operate of CSOs in Azerbaijan?" and 90 percent of survey respondents answered "No" the question "Is the deny of the registration of CSOs on clear grounds that are legitimate under international law?". • Online registration of NGOs with simplified procedures has not been resolved, neither on the level of the law on "State Registration and Registry of Legal Entities", nor in practice. According to Article 6 of the law on "State Registration and Registry of Legal Entities", eight additional documents are required to register a representation or an affiliate office of a foreign NGO. • The current legislation grants the Ministry of Justice a wide discretion in denying NGO applications for state registration, especially those working on human rights. The Ministry of Justice registers only organizations that receive support or letter of assurance from central and local executive authorities. This document, which is not envisaged by law, plays an essential role in



the registration process. This has led to a huge number of NGOs to be denied of registration and acting as unregistered groups in Azerbaijan.

- Registration, finances and operation of the NGOs in Azerbaijan remain problematic. First, the list of the NGOs, which is referred to as increased by the government, is not made public, therefore it is impossible to trace who makes up this list. Second, there is a discrepancy between the number of NGOs (237) the Azerbaijani government claims to have been registered between January 2017 and August 2018, and the information provided by experts and partners (172). Given that the law registers sport federations, charity associations, professional associations as Public Unions, not all the registered organizations are truly civil society organizations. In addition, the phenomenon of GONGO creation has always been broad in Azerbaijan.
- While a new e-system platform was indeed introduced, it has not been tested broadly so far by NGOs. Reporting and communications also continued to be carried out in paper form at large. The degree to which the platform facilitates the registration of NGOs, and whether changes to the selection processes have indeed been implemented will be better known when the current registrations expire and NGOs go through the new process.
- Regarding the e-service platform mentioned by the government, it is believed to not be working properly. Individual NGOs had to apply to the Ministry of Justice to get an access code to this platform. In theory, once an access code is obtained, NGOs could use it to send letters to the Ministry of Justice and receive replies electronically. Some of the problems encountered include lack of capacity on behalf of the government for NGOs to utilize this system, technical malfunctions in the system, and



	inability for correspondence to properly reach the MoJ as expected.
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Assessment: Not met.
Partners and international experts recognize that there are no major improvements to the NGO registration process, and there have not been changes in the registration legislation in the past months. The number of registered NGOs presented by the government of Azerbaijan seems to include a wide array of actors beyond NGOs, and the list of actors involved in the data provided could not be verified through public information. Finally, there seems to be limited knowledge and confusion about the e-service platform, coupled with technical problems preventing it from fulfilling its objectives.

1.2 Eliminate requirement for CSOs to obtain an extract (registration certificate) every two years. Registration should be a one-time procedure; CSOs should not have to periodically re-register, or even re-register under a newly enacted law.

Extracts from Government + OGP Azerbaijan Platform	Extracts from experts and others
<ul style="list-style-type: none"> NGOs are not required to register every two years. Whenever the composition or members of the board of an NGO is changed according to their Statute, they have to submit the copy of their decision to the relevant authority in order to keep the latest information on current composition of an NGO. This does not imply that NGOs have to re-register their organization every two years. In practice, “extracts” have been issued to every applicant within set time enshrined in the legislation. The new one-stop shop e- service platform enables NGOs to amend registration documents through sending their decision in online form and receive extract through the e-platform. 	<ul style="list-style-type: none"> No legislative changes have been made. While obtaining an extract does not represent registration or re-registration, it is difficult to obtain such an extract, and failure to do so could hinder an NGO’s activities (e.g.if an NGO’s chairman’s powers expire and there is no new extract, then s/he cannot sign any new contracts). At the moment, the number of organizations that haven’t received an extract from the Ministry of Justice is higher than the number of registered ones.

Assessment: Not met.
No substantive change has happened in the last 12 months.

1.3 Revise the Code of Administrative Offences to reduce the number of penalties and prevent excessive harshness for CSOs.

Extracts from Government + OGP Azerbaijan Platform	Extracts from experts and others
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<ul style="list-style-type: none"> • While there have been many cases of administrative violations by NGOs, as a matter of fact the Ministry of Justice has never applied any administrative penalty to NGOs for failing to submit required documents on time. • The Ministry of Justice has carried out several hundreds of individual consultations with NGOs and fully supported them to fulfill their obligations under national legislation. As a result of these consultations with NGOs, they have submitted all required documents. There have been only two cases where representatives of NGOs were unresponsive to the requests of the Ministry of Justice for one year and failing to submit required information for more than 5 years. 	<ul style="list-style-type: none"> • No public data on enforcement of penalties is available. It is possible that they are not being implemented often, as we are not aware of instances in the past year. However, since high penalties remain in the law, the government has full discretion to decide when and against whom to apply them. No legislative changes have been made. • No administrative penalties were indeed applied to NGOs by the Ministry of Justice (MoJ) for delayed submission of the documents. The penalties are mostly applied through other state agencies, such as Ministry of Taxes (MoT), and are regarded as financial irregularities. Moreover, these penalties are mostly applied to the individuals, e.g. leaders of NGOs, as de-jury NGOs are not able to receive foreign funding. Thus, any financial support, allocated by the foreign donors are mostly given through service contracts with the leaders of NGOs. Therefore, it is hard to trace the penalties to NGOs, as they are mostly made indirectly.
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Assessment: Mixed.

While changes to the the law have not been made in the last 12 months, there is also no evidence of administrative penalties being applied by the Ministry of Justice.

2. Simplify regulations to access funding

The amendments made to the regulation of rights for foreign donors to issue grants in Azerbaijan in 2017 did not eliminate two major problems: foreign organizations still have to obtain a donor status, and foreign donors who obtain such donor status, still have to obtain an opinion from the Ministry of Finances on the expediency of grants they issue.

<p><i>2.1 Introduce changes to limit the discretion to arbitrarily deny grant registration or, ideally, eliminate this procedure.</i></p>	
<p>Extracts from Government + OGP Azerbaijan Platform</p>	<p>Extracts from experts and others</p>
<ul style="list-style-type: none"> • Following the application of the amendments to the Decisions of the Cabinet of Ministers on 	<ul style="list-style-type: none"> • No legislative changes were implemented since January 24, 2017, when the Cabinet of



<p>“Grant contracts registration regulations” and “Regulation on the right to give grants by foreign donors in the Republic of Azerbaijan”, (i) the deadline period for registration of foreign and local grants increased by two times, (ii) review period of the grant contracts reduced by two times, (iii) number of documents required for registration of grant contracts is reduced, (iv) working days for addressing deficiencies identified in the registration of grants are prolonged by two times, (v) the new institution of service contracts is established and made applicable both to foreign and local grants.</p> <ul style="list-style-type: none"> • The statistics on the amount of grants registered during 2017 – 2018 are the clear indication of simplified regulations to access funding in Azerbaijan. In 2017, 146.945.369,29 AZN (86 million USD) grants were registered and 42.253.392,80 AZN (24 million USD) of total amount represented foreign grants. The amount of grants registered in 2017 is three times more than those registered in 2015 (51.240.856 AZN in 2015) and 22 million AZN more than in 2016. • Only during the first half of 2018, 165.036.286,6 AZN (96 million USD) grants has been registered and of which 39 million USD were foreign grants. Above-mentioned statistics show steady and manifold increase in the amount of grants registered and indicate some concrete results on simplification of regulations for foreign donors to obtain the right to provide grants. 	<p>Ministers made changes to the foreign grantor registration rules in Azerbaijan, generally simplifying them.</p> <ul style="list-style-type: none"> • As the legislation governing grants registration stands now, the multi-step complex registration procedure for grants and donors remains in place, and gives the Ministry of Justice broad discretion in registering grants, without clear rationale for rejection. This has also been confirmed by the results of the survey conducted among 50 leading NGOs. It should be noted that about 85,71 percent of survey respondents answered “No” the question “Has the law been amended to restrict the powers of the Ministry of Justice during the registration of grants?” • While the list of grantors cannot be verified due to unavailability of a public database of registered grants, partners and experts recognized that several grants have been registered, including from the EU and USAID. This is an improvement from the previous year.
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Assessment: Not met.

While some grants have been registered, there have no been legislative changes implemented, still granting ample discretion to the government over the registration of grants.

2.2 Introduce changes related to donor registration. Some concrete proposals to do this are:

- Eliminate the need for foreign donors to register individual grants with the Government of Azerbaijan



<ul style="list-style-type: none"> Eliminate the necessity for a foreign donor to have an agreement with the Ministry of Justice and register its representative office in Azerbaijan, in order to be a grantor. Exclude foreign donors that operate on the base of bilateral and multilateral agreements from the obligation to obtain the right to provide grants. 	
Extracts from Government + OGP Azerbaijan Platform	Extracts from experts and others
<ul style="list-style-type: none"> During 2017 – 2018, grant agreements and other contracts have been successfully registered between local NGOs and foreign donors including USAID, US Embassy in Azerbaijan, Japan Embassy in Azerbaijan, UNDP, EU Delegation to Azerbaijan, German Marshall Foundation, European Youth Foundation, Education, Audiovisual and Culture Executive Agency of European Commission, embassies of other foreign countries and etc. These registered grants are clear examples of successful measures carried out in this sphere. 	<ul style="list-style-type: none"> No legislative changes have been made to the legislation in order to exclude foreign donors that operate on the base of bilateral and multilateral agreements from the obligation to obtain the right to provide grants. According to the Law, NGOs in Azerbaijan can receive foreign funding only from foreign donors that have an office in Azerbaijan, signed an agreement with Ministry of Justice and have the Ministry of Finance’s opinion on financial-economic expediency of a grant. Neither the law on grants nor the law on NGOs directly demand that foreign donors register their representations in Azerbaijan in order to get the right to issue grants in the country. This issue is open to various legal interpretations.  The procedure of grant registration remains complex and ambiguous. No legislative changes have been made. Please, note that donors are not required to apply for registration of their grants, if NGO-receipts do so, following the presidential decree in October 2016. (Prior to October 2016, both a donor and an NGO were required to submit documents for registration of the same grant.)
<p>Assessment: Not met. <i>No legislative changes were made and there is confusion about what are the precise requirements.</i></p>	

<p>2.3 Eliminate the need to obtain the opinion on ‘financial-economic expediency’ in order to issue or receive a foreign grant.</p>	
<ul style="list-style-type: none"> <i>There were no inputs provided by the government.</i> 	<ul style="list-style-type: none"> No legislative changes since January 24, 2018. The Ministry of Finance (MoF) is still required to provide an assessment of the vaguely defined “financial-economic expediency” of a grant. Previous issues remain, including inadequate direction on what to include in “financial-economic



	<p>expediency" justifications, and vague rationale for rejecting such justifications. This provides the Ministry of Justice discretion on whether financial-economic expediency are sufficient to obtain a grant registration.</p> <ul style="list-style-type: none"> • The last changes, dated on January 25, 2017, do not eliminate the need to obtain the opinion on 'financial-economic expediency' in order to issue or receive a foreign grant. • Although several additions and amendments have been made to the given regulations in January and July of 2017, the requirement for obtaining an opinion on a grant's financial- economical expediency is still in practice.
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Assessment: Not met.
The "financial-economic expediency is still required and there is no clear information on the rational to reject or approve a proposal.

2.4 Simplify financial operations for NGOs. In particular, bank operations related to grants and donations should remain independent and not be subject to any state interference.

<ul style="list-style-type: none"> • Financial operations for NGOs have also been simplified and cash withdrawal limitations on bank operations to grants and donations has been extended by three times. Such as according to Article 3.4.7 of Law on "Cashless Settlements", NGOs could only withdraw 5.000 AZN cash from banks and rest of the amount has to be carried out through cashless banking operations in order to ensure transparency and open government principles in the activity of NGOs. This issue caused some restraints on the work of small NGOs. After the recommendation of OGP Azerbaijan Platform, this limit has been increased to 15.000 AZN, which was highly welcomed by an NGO sector. 	<ul style="list-style-type: none"> • The information in government's response regarding changes in cash withdrawal rules is correct. However, Article 34.7 of the law on "Non-Cash Settlements" regulates only "the use and expenditure of funds obtained through public procurement contracts", which cannot be applied to grants from foreign donors. • The results of the survey conducted among 50 leading NGOs show that 92% feel that bank operations related to grants and donations should remain independent and not be subject to any state interference.
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Assessment: Mixed.
The information provided by the government is correct. However, there is evidence that there are other legal obstacles that render the article referenced non-applicable to foreign grants.



Steering Committee Resolution on Alternative Values Check Metrics

Background

The Steering Committee approved the implementation of a 'Values Check' assessment in September 20, 2017. From this date forward, countries who wish to join OGP still need to score 75% or more on the current Core Eligibility Criteria (Fiscal Transparency, Access to Information Asset Disclosure and Citizen Engagement), and in addition, they must also pass a Values Check assessment before being allowed to join OGP. This additional Values Check assessment is to ensure that new countries joining OGP adhere to the democratic governance norms and values set for in the [Open Government Declaration](#).

The Values Check only applies to countries that have yet to join OGP and does not affect countries which have already joined. To pass the Values Check, countries must score a minimum threshold on two indicators from the [Varieties of Democracy 'Dataset on Democracy](#) to assess government control over CSO entry and exit into public life, and the degree of CSO repression on behalf of governments.

There are currently 16 countries that are not covered by V-Dem indicators: Antigua and Barbuda, Bahamas, Belize, Bermuda, Brunei Darussalam, Congo, Dominica, Grenada, Kiribati, Lichtenstein, Marshall Islands, Monaco, Samoa, Saint Kitts and Nevis, Saint Lucia, and Tonga. Currently, none of these countries satisfy the Core Eligibility criteria, however, some have already expressed interest in joining, including Antigua and Barbuda, Bahamas and Belize.

Proposed resolution

To address the possible scenarios in which a country meets the core eligibility criteria, but it is not covered by the V-Dem dataset, the Criteria and Standards (C&S) subcommittee would like to table the following proposed resolution for Steering Committee approval:

Steering Committee resolution on the C&S authority to use third-party indicators to assess Values Check for countries not covered by Varieties of Democracy

5 December 2018

In the exceptional case when a country passes the core eligibility criteria to join OGP, but Values Check indicators are not collected by V-Dem for such country, the Criteria and Standards Subcommittee will perform an assessment of that country's Values Check based on publicly available civic space indicators from a credible third-party database as determined by C&S.

-----End Resolution-----



Update on Thematic Priorities and Breakout Sessions

The Thematic Leadership Subcommittee (TLS)-led thematic discussion at the December 2018 Steering Committee (SC) meeting will provide an opportunity for SC members to discuss progress on a subset of endorsed and emerging themes with the goal of identifying entry points for engagement by all OGP participants, including our network of partners, as well as potential roles for the SC and the Support Unit (SU).

Since each thematic priority area differs in the level of engagement and partnerships, as well as the enabling role that OGP can play to advance reforms and ideas, each theme necessitates a different approach to advance coalition-building and reform efforts.

The tables below map where there are existing coalitions of government leaders, civil society partners, commitments in OGP, and global forums to inform the role that the SC, and OGP more broadly, can play in advancing reforms in these thematic areas. Table 1 has details on thematic priorities where there is a growing demand, but there are no existing coalitions in OGP yet, signaling a potential leadership role for the SC or other OGP members. Table 2 has updates on ongoing thematic priorities, including those that were discussed in the June 2017 and July 2018 SC meetings.

Similarly to the one at the Tbilisi SC meeting, this session will focus on several themes where there is a demand from OGP members. These discussions will take place in breakout groups for each of the following topic areas: i) **Beneficial Ownership Transparency**, ii) **Open Government for Gender Equality**, and iii) **Governance of New Technologies/ Digital threats to Democracy**. Each group will be led by one or two SC members who volunteer to facilitate the discussion, along with a member of the SU to share examples from OGP members. Each SC member will choose a breakout group to participate in based on their existing thematic engagement or interests to explore more through OGP.

SC members are requested to come to the meeting with concrete ideas, proposals and, where applicable, examples of actions being taken by their respective organizations and governments.

The **objectives** of this session are:

- I. Discuss examples of existing commitments, good practices on these themes from within or outside of OGP, and potential uptake of this theme across OGP.
- II. Collectively identify recommendations or ideas on how to build potential coalitions to advance these themes in OGP.
- III. Identify concrete actions that SC members could take between December and The 6th OGP Global Summit taking place in May 2019.

Guiding questions:

The overall framing for each session will be to focus concretely on the actions that OGP can engage in between now and The 6th OGP Global Summit to advance each of these themes by generating specific, actionable recommendations that will help build stronger coalitions and uptake in each of these three areas.



Some of the questions to be addressed include:

- What is the state of play of this topic in your country or organization? (examples of initiatives/ projects/ policies/ OGP commitments)
- What specific role can OGP play to advance this topic globally?
- How can The 6th OGP Global Summit provide an action-forcing moment to galvanize this coalition?
- Who are some external partners and allies we need to involve?

After the discussions, there will be brief presentations (5 min or less) from each breakout group answering the following questions:

- What are the recommendations the group has for concrete steps OGP should take between now and May?
- Which SC members are interested in supporting this thematic work in future?



Table 1: Emerging areas for building coalitions led by OGP members/ OGP SC members

Theme - Overview	Notable stories/ OGP commitments	Government leaders/ existing coalitions	Key partners	Relevant international forums/ standards	2019 opportunities
<p>Governance of new technologies/ Digital threats to democracy</p> <p>While the digital agenda has always been a part of OGP through the use of technology to promote open government, in recent years the emerging questions around the role of new technologies in government (such as artificial intelligence) and technology governance (questions of access as well as digital threats to democracy) are providing a new set of issues that will require strong policy frameworks leveraging open government approaches.</p>	<p>The majority of commitments in the area of data/tech governance have recently emerged (in action plans submitted in 2016 and later) - it is a fast-growing area in OGP. Currently there is no specific data tag that OGP is tracking. The SC discussion and mapping conversations with partners will help identify the precise commitment types/ tags to track going forward. Some examples include improving governance of the use and sharing of data</p>	<p>While several governments, including on the Steering Committee and coalitions like the D7 the are championing the digital agenda more broadly, there are no focused coalitions to promote inclusive and accountable use of technologies (like AI) or internet governance.</p>	<p>Partners such as the Web Foundation, Access Now, Internet Society, Luminare Group and Stiftung Neue Verantwortung have begun working on issues of new technologies and their impact on open government.</p>	<p>Some emerging set of principles on these topics - including the Contract for the Web and the Digital Democracy Charter,</p>	<p>The 6th OGP Global Summit Ottawa, May 2019)</p>



	held by the public sector (Australia), open algorithms (France). France is leading on this agenda in OGP in terms of the number and types of commitments on these issues.				
<p>Open Government for Gender Equality</p> <p>A Co-Chair priority for the Government of Canada and Nathaniel Heller, OGP could provide an enabling platform to scale reforms that are both gender targeted, as well as those that mainstream gender across other thematic areas - from open contracting to citizen participation in the delivery of public services. The Feminist Open Government Initiative seeks</p>	<p>13 commitments relevant to gender have been assessed by the IRM as of 2017. Factsheet here.</p>	<p>The Government of Canada leading the effort in OGP. There is no existing coalition identified on this topic, although it will be a deliverable of the Feminist Open Government Initiative in 2019.</p>	<p>At the national level, several organizations have worked on integrating gender-related commitments into OGP action plans. One of the key activities of the Feminist Open Government Initiative is to stitch together a coalition of governments and civil society groups leading on this to play a prominent role in the OGP Global Summit.</p> <p>A key coalition anchoring several gender and open data/ open government conversations is Open Heroines - a</p>	<p>2030 Agenda for Sustainable Development (Goal 5)</p> <p>Long list of global norms and standards. Some listed here.</p>	<p>Commission on the Status of Women (TBD), New York, March 2019</p> <p>The 6th OGP Global Summit (Ottawa, May 2019)</p> <p>Women Deliver (TBD), Ottawa, June 2019.</p> <p>High Level Political Forum, July 2019 and UN General Assembly, September 2019.</p>



<p>to catalyze these efforts.</p>			<p>community of women across sectors and organizations - founded at the 2015 OGP Global Summit in Mexico.</p>		
<p>Beneficial Ownership Publishing information about the individuals who ultimately profit from a company helps to deter the syphoning of public money, conflicts of interest, and tax evasion. Several countries are also looking at this as a reform area to improve their climate for businesses to operate in. UK was the first country to commit to developing a public register on beneficial ownership, as announced by the then Prime Minister David Cameron at the OGP Global Summit in London in October 2013. While 16</p>	<p>16 beneficial ownership commitments have been assessed by the IRM. Latest OGP beneficial ownership factsheet available here.</p> <p>The OGP Early Results Stories (2018) featuring the UK commitment available here.</p> <p>Some 2018 Action Plans also likely to include commitments on beneficial ownership, such as seen from initial drafts. These include those from Armenia, Chile and Indonesia.</p>	<p>This was one of the collective actions signed on by governments and civil society as part of the OGP Paris Declaration.</p> <p>There is no existing coalition on this topic. That said, OpenOwnership convened a Beneficial Ownership Leaders Network, endorsed by the TLS Co-Chairs, with their first meeting at the OGP Global Summit in Tbilisi, July 2018. The countries who attended this first meeting included Chile, Denmark, Italy, Kenya, Nigeria, Slovakia, Ukraine, UK.</p> <p>At the 2018 International Anti-Corruption</p>	<p>The B Team, Extractive Industries Transparency Initiative, Global Witness, NRGI, Open Contracting Partnership, OpenOwnership, Publish What You Pay, Transparency International.</p>	<p>The G20 endorsed the High Level Principles on Beneficial Ownership Transparency in 2014. The B20 has endorsed public registers. In December 2017, the EU passed the 5th Anti-Money Laundering Directive.</p> <p>More than 50 EITI countries have published their plans for how to disclose the real owners of companies in their extractive sector by January 2020.</p>	<p>The 6th OGP Global Summit (Ottawa, May 2019)</p> <p>EITI Global Conference, Paris, June 2019</p>



countries have committed to it, including fulfilling obligations to international standards/ forums, OGP can be a cross-sector convening platform for more effective exchange on implementation and support countries who are interested to advance in this effort.		Conference in Copenhagen, the UK government announced a campaign to build a coalition of governments committed to public registers of beneficial ownership. They want to work with OGP to mobilize this coalition.			
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Table 2: Updates on ongoing thematic priorities

Theme - Overview	Notable stories/ OGP commitments	Government leaders/ existing coalitions	Key partners	Relevant international forums/ standards	2019 opportunities
<p>Open Contracting With high level political engagement from the Contracting 5 and partners like Open Contracting Partnership, this is one area that has seen the development of a self-sustaining coalition of partners and governments inside and beyond OGP. Commitments have included implementation of the Open</p>	<p>70 open contracting commitments have been assessed by the IRM. Latest OGP open contracting factsheet available here.</p>	<p>This was one of the collective actions signed on by governments and civil society as part of the OGP Paris Declaration.</p> <p>The Contracting 5 was developed by a group of early-adopters, and implementers in OGP. These included Colombia, France, Mexico, Ukraine, UK, and more recently, Argentina. They look to work with other governments</p>	<p>Open Contracting Partnership has worked with the Contracting 5 and other OGP countries and local members implementing reforms related to open contracting.</p> <p>Other partners on this include Article 19, the B Team, Hivos. Some partners who are doing it in the context of specific sectors</p>	<p>G20 Public Procurement Guidelines and its Principles of Open Data for Anti-Corruption</p>	<p>The 6th OGP Global Summit (Ottawa, May 2019)</p>



<p>Contracting Data Standard, the next frontier in the field include going beyond just publishing data to creating mechanisms for civil society/ citizen participation to use this data and catalyze feedback loops.</p>		<p>looking to implement open contracting and related reforms.</p>	<p>include the Construction Sector Transparency Initiative or CoST (infrastructure), NRGI (extractives), TI Pharma and Health (health).</p>		
<p>Public Service Delivery (water, education, health) Public service delivery was a 2017-2018 Co-Chair priority and was also part of the OGP Strategic Refresh and Paris Declaration. Since then the conversation around public service delivery and the role that OGP can play has more sharply focused on creating opportunities for citizen participation to monitor quality of and access to essential public services.</p>	<p>23 OGP members have made commitments related to water till date. Latest factsheet here.</p> <p>50 OGP members have included commitments related to education in their action plans till date. Latest Factsheet here.</p> <p>40 OGP members have included commitments on health in their action plans. Factsheet here.</p>	<p>While there is currently no coalition related to public service delivery, there are emerging groups of governments implementing commitments related to water (Honduras, Tunisia, La Libertad, Peru, Paraguay) and education (Slovakia, Czech Republic and Romania). Initial conversations with key stakeholders indicate there is an appetite for an 'Open Education Coalition' of leading CSOs and government champions.</p> <p>There is currently no active group of countries leading on open government approaches to health.</p>	<p>There is a Water Community of Practice (SIWI, WRI, Avina, Water Integrity Network), supporting OGP countries to make and implement commitments.</p> <p>On education, while OGP has started working with partners like Save the Children, Oxfam, World Vision at the global level, and has long worked with partners such as DEMOS (Mongolia), ANSA-SEA, and other regionally focused coalitions. OGP has also started working with SPARC, UNESCO, focused on open education.</p>	<p>2030 Agenda for Sustainable Development</p>	<p>The 6th OGP Global Summit (Ottawa, May 2019)</p> <p>High Level Political Forum, July 2019 UN General Assembly, September 2019.</p>



			<p>There is currently no active coalition of partners working on health in OGP. Since there is no one anchor partner to drive coalition or advocacy efforts, it will require a different approach from open contracting or gender, or even from other public service delivery priorities like water.</p>		
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Overview of 2018 OGP Publications

WHAT MAKES FOR A STRONG CO-CREATION PROCESS

- + [How is OGP delivering for Civil Society?](#) A graphic with survey results from 900+ civil society respondents, showing us that significant improvements occurred both in terms of the process and content of action planning.
- + [OGP Participation and Co-creation Toolkit](#): An interactive toolkit richly lined with examples and models across the Partnership on how to design and implement effective participatory processes.
- + [OGP Academy](#): Five academic papers presented at the OGP Academy highlight some of the best models of co-creation and collaboration in policy-making from Latin America - ranging from dialogue with indigenous communities to citizens co-creating national open data policies.

WHAT DOES AMBITION LOOK LIKE IN OGP?

- + [Star Reforms in OGP](#) : Highlights 12 exemplary commitments from 2015 and 2016 action plans, focusing on civic participation. Countries and locals profiled are: Austin, Buenos Aires, Colombia, France, Madrid, Liberia, Ukraine, Kenya, Israel, Georgia, Sri Lanka, Mongolia, New Zealand and Uruguay.
- + [When More is More: Toward Higher Impact OGP Commitments](#): IRM analysis finds that a commitment's design is highly predictive of whether it will significantly change government policy or practice. It also found that by the end of the second year of the 2014-16 action plans, completion of OGP commitments doubled. The average number of ambitious commitments per action plan also rose from 0.8 to 1.2 by the end of the year as those commitments were completed.
- + [The Right Tools for the Right Job](#) - How OGP can help win the fight for civic space: This paper finds that the biggest gap between OGP countries' need and commitment in protecting civic space, is in promoting and protecting Freedom of Assembly. Protecting human rights defenders and journalists comes in second. The paper makes recommendations on what actions countries can begin to take to address these gaps.
- + [Opening Justice](#): This paper makes a series of contributions on how OGP can strengthen access to justice, open judiciaries, and advance legal empowerment. It was collaboratively developed by the Open Society Justice Initiative, the Government of Argentina, Georgetown University and OGP staff.

ARE OGP COMMITMENTS MAKING A DIFFERENCE?

- + [86 IRM reports](#): This year the IRM published 14 End-of-Term reports from 2015-17 action plans, 30 Local reports and 42 Year 1 reports from 2016-18 action plans. From initial data in these reports, we know that 56 commitments significantly changed government policy or practice.
- + [Thematic Factsheets](#): Find out the state of play of OGP commitments in these 2 page factsheets. Themes highlighted this year are [beneficial ownership](#), [natural resources](#), [health](#), [education](#), [water](#) and [gender](#).
- + [Early Results of OGP Commitments](#): Case studies on four commitments that have significantly changed government policy or practice and are seeing uptake from citizens. Countries profiled are: Philippines, Paraguay, United Kingdom and United States
- + [Stories](#): Our new stories portal showcases bite-sized stories of how OGP commitments are making difference



WHAT DO WE KNOW ABOUT THE IMPACT OF OPEN GOVERNMENT?

+ [The Skeptic's Guide to Open Government](#) distills what is known about the impact of opening government in five areas: 1) public service delivery 2) business opportunities 3) government efficiency and cost saving 4) prevention of corruption and 5) trust in government. Each chapter draws from empirical evidence, and highlights reformers who are opening government in innovative ways.



Countries Under Review Briefing

A country's participation in OGP may be reviewed by the Criteria and Standards Subcommittee (C&S), or by the full Steering Committee (SC) upon recommendation of the C&S, if a country acts contrary to OGP process. As approved by the SC, a participating country will be considered to have acted contrary to OGP process if:

- I. The country's government fails to publish an Action Plan within four months of the date the plan is due to be published (such due date and such failure being recorded by the SU); or
- II. The country's government fails to meet the International Association for Public Participation (IAP2) "Involve" requirement during development, or the "Inform" requirement during implementation, of the Action Plan, as determined by the Independent Reporting Mechanism ("IRM"); or
- III. The country's government fails to collect, publish and document a repository on the government's national OGP website or web page, in accordance with the IRM's guidance; or
- IV. The IRM Report on the country establishes that the government has made no progress in implementing any of the Commitments in the country's Action Plan.

There are currently six countries under procedural review:

A. Bosnia and Herzegovina (BiH)

Bosnia and Herzegovina's decision from late 2016 to participate in OGP mandated that an Advisory Committee for OGP be established to advise and coordinate the promotion of transparency and openness in public administration and citizen engagement in the design of public policy. The Advisory Committee would also be responsible for the coordination of the development of BiH's OGP Action Plan. The decision of the Council of Ministers mandates the Advisory Committee to be composed of representatives from State and Entity levels of government, as well as civil society. The Central government, Federation of Bosnia-Herzegovina and Brcko District have been signed up to OGP by appointing representatives to the Advisory Committee, but the Republika Srpska had not appointed a representative despite multiple attempts by civil society, central government, and multilaterals to reach them. In early 2018, the Support Unit received a letter from the government of BiH indicating that, should the Republika Srpska not sign on to OGP -the only remaining government body to do so- the Council of Ministers will propose a new solution to carry the OGP process forward.

In early May 2018, following continued support and outreach from the Support Unit and the C&S, the government of the Republika Srpska confirmed the appointment of their representative to the OGP Council. With the OGP Council fully constituted for the first time since joining OGP, the first meeting of the MSF was held on May 29-30, 2018. The first day of the meeting was to constitute the Forum and the second day to start work on co-creation. The second session of the MSF was held on June 21.



Currently, all levels of the government are working on developing their commitments for the national action plan however, it is unclear whether they will finish in time before the December 31st deadline. All three levels have developed their individual action plans and some of these commitments were shared with the SU for comment. With the exception of the Republika Srpska, all have finished their public consultations. In addition, once all four Action Plans are adopted, they still need to be combined into a single national action plan to be adopted by the Council of the Ministers. The October 7 general elections has delayed the formation of the incoming governments, and the current incumbents work on a technical mandate, with their activities being reduced.

Criteria and Standards Subcommittee is recommending inactivity status for Bosnia and Herzegovina at the December 5, 2018 SC meeting.

B. Cabo Verde

Background Context

Cabo Verde has acted contrary to OGP process for two consecutive cycles (2016 and 2017) due to failure to deliver an action plan since joining OGP in 2015. In May 2017, a Support Unit delegation visited Cabo Verde to kick-start the action development process, initiate the creation of a permanent dialogue mechanism, and meet with key stakeholders in the process. On December 23, 2017, the Support Unit received a letter from H.E. Jose Ulisses Correia e Silva, Prime Minister of Cabo Verde, informing that they hoped the action plan will be delivered by early 2018, and indicating that some procedures to formalize Cabo Verde's OGP membership internally were required before its first action plan was submitted, including cabinet and parliamentary approval and final sign-off from the President. The completion of this process would enable Cabo Verde to proceed with its financial contribution to OGP and subsequently, submit its action plan.

On January 18, 2018, the Support Unit sent a [letter](#) to the Government of Cabo Verde informing them that their action plan cohort has shifted from an "odd year" to an "even year" and has a deadline of August 31, 2018 to submit its two-year action plan ending on June 30, 2020. On June 19, 2018, the Government of Cabo Verde sent its first commitment for feedback from the Support Unit, and a first draft action plan with three commitments on 17 September 2018 for comments and review. Cabo is currently working on the comments and finalizing the action plan.

In order to conclude the review process, Cabo Verde must submit its 2018 action plan no later than four months after the August 31, 2018 deadline. Otherwise, C&S will recommend that Cabo Verde is placed in inactive status at the next in-person Steering Committee meeting in 2019.

C. Croatia

Croatia has acted contrary to OGP process for two consecutive cycles due to failure to deliver an action plan since 2016. The primary reason for this delay has been the inconsistent ownership of OGP within the Croatian government. Croatia has had three different government



administrations since the November 2015 election and several accompanying changes in ministerial leadership. The Office of Cooperation with NGOs has housed and led OGP at an operational level since joining OGP, and has developed a draft action plan in September 2017. In late 2017, the government appointed a State Secretary within the MFA to lead OGP.

On January 18, 2018, the Support Unit sent a [letter](#) to the Government of Croatia, informing them that their action plan cohort has shifted from an “odd year” to an “even year” and has a deadline of August 31, 2018 to submit its two-year action plan ending on June 30, 2020. The government of Croatia published the draft action plan for public consultation on June 26, 2018. At the moment the draft Action Plan is in the final stage of the procedure to be adopted by the Government. The Office for Cooperation with NGOs has gathered the opinions from all of the ministries and is solving some technical issues to send the proposal to the Government for adoption. It is estimated that the action plan will be adopted by the end of November, or at the beginning of December.

In order to conclude the review process, Croatia must submit its 2018 action plan no later than four months after the August 31, 2018 deadline. Otherwise, C&S will recommend that Croatia is placed in inactive status at the next in-person Steering Committee meeting in 2019.

D. Papua New Guinea

Papua New Guinea (PNG) acted contrary to OGP process in 2016 and 2017 due to failure to deliver an action plan since 2016. PNG has developed a draft action plan through a co-creation process led by motivated officials at the MFA. However, the action plan was not finalized before the election which ran through much of 2017, resulting in a new government administration in September 2017. The election yielded several disputed results and ensued political instability. In coordination with civil society and the MFA, the Support Unit has been attempting to find a suitable new home for OGP, however, the lack of clear mandates within each government ministry has complicated this effort. In the interim, officials have been active in OGP-related activities and exchanges such as Asia-Pacific POC day in December 2017. PNG has substantial governance challenges but remains optimistic that it will be able to re-engage soon.

On January 18, 2018, the Support Unit sent a [letter](#) to the Government of PNG, informing them that their action plan cohort has shifted from an “odd year” to an “even year” and has a deadline of August 31, 2018 to submit its two-year action plan ending on June 30, 2020. The 2017 [eligibility criteria update](#) completed on June 1, 2018 reveals that PNG fell below the minimum eligibility criteria threshold due to not publishing its Audit report. As per Articles of Governance, PNG has one year to raise above the minimum threshold, and become eligible again in order to avoid being designated as “inactive” in OGP. On June 28, 2018, the Support Unit sent a [letter](#) to the Government of PNG informing them that PNG must take the necessary steps to raise above the minimum eligibility criteria by June 30, 2019.



PNG's first Open Government National Action Plan was approved by their National Executive Council on 30 October 2018, but has yet to be formally received by the Support Unit. It is expected imminently. However, PNG has not yet published its audit report, required to meet the minimum OGP eligibility criteria.

In order to conclude the review process, Papua New Guinea must submit its 2018 action plan no later than four months after the August 31, 2018 deadline. Otherwise, C&S will recommend that Papua New Guinea is placed in inactive status at the next in-person Steering Committee meeting in 2019.

E. Montenegro (Currently Inactive)

Montenegro is currently the only OGP country under inactive status due to Procedural Review. Montenegro was designated inactive on [June 28, 2017](#) due to failure to develop an action plan since 2014. Montenegro worked on a draft action plan in 2015 and made significant progress in formalizing the draft through the newly established national council on OGP. The council was dissolved in June 2015 on court grounds of being illegally established, but it was eventually re-established. However, work on OGP was stalled throughout the second half of 2015. The government actively participated in OGP conferences over this time, including the European POC Conference in June 2015, the Western Balkans regional meetings in September 2015 and May 2017, and the Mexico Global Summit in October 2015. Despite further engagement (e.g.: a video-conference with the C&S in February 2016, a visit by the SU in May 2017) the Government of Montenegro failed to finalize and submit its action plan in 2016, and therefore acted contrary to process for a third consecutive action plan cycle. Deputy Minister Lazovic was advised that the Government of Montenegro could prevent being designated inactive by submitting an action plan at the earliest possibility, before the SC took a decision regarding their participation during its June 28, 2017 meeting. H.E. Prime Minister Duško Markovic sent a letter to the SC on June 22, 2017 reinstating Montenegro's high level commitment to re-engage in OGP. However, in maintaining a consistent and fair approach to enforcing the OGP requirements asked of all participating countries, the OGP Steering Committee resolved to designate the government of Montenegro inactive on June 28, 2017.

In mid-May 2018, the government of Montenegro signaled its intent to re-engage in OGP. In view of Montenegro's renewed commitment, and in line with the terms outlined in the [inactivity resolution](#), a C&S/SU delegation visited Montenegro on June 12-13, 2018 to engage with civil society and government stakeholders with the objective to develop a roadmap for Montenegro to develop its OGP action plan. A timeline was agreed to finalize the action plan by December 31, 2018. It was agreed that this roadmap should be published by the government, and submitted to the C&S chairs by June 30, 2018. To formalize the agreement, the government of Montenegro sent a letter to the C&S on June 27, outlining the agreed upon set of milestones and deadlines leading up to the finalized action plan. Failure to adhere to the established timeline would automatically result in Montenegro ceasing to be considered an OGP country.



The Government has been dedicated to achieving the set milestones and deadlines and has cooperated closely with the SU on that. In order to further support the Government in achieving the set goals, the SU has in September, approved a mini grant to Institute Alternativa, a local CSO. Among other things, through this project the workshop was organized for the members of the MSF in October, to better explain the role of such bodies within OGP.

On September 14 the Government submitted the first draft of the action plan to SU for comments. On the same day the government published the draft for public consultations. On October 16 the consultative meeting was held between the Government and CSOs to discuss the action plan commitments. Following all of this, the updated version of the action plan was developed and again submitted to the SU for additional comments on November 2. The Government has adopted the Action Plan on November 15.

In line with the [SC resolution](#) on Montenegro's participation, the C&S will re-establish Montenegro's full participation status in OGP as soon as the action plan is submitted to the Support Unit.

F. Trinidad and Tobago (T&T)

The Government of Trinidad and Tobago has been found acting contrary to OGP processes due to failure to deliver an action plan for four consecutive action plan cycles since 2016. Consequently, Trinidad and Tobago's participation in OGP has been under review by the Criteria and Standards (C&S) Subcommittee since November 2016.

Trinidad and Tobago was placed under review in 2016, when the Point of Contact (POC) noted that Trinidad and Tobago would be unable to submit an action plan in 2016 and requested to be moved to the 2017 - 2019 action plan cycle. However, Trinidad and Tobago failed to submit its action plan by October 31, 2017, four months after the deadline of June 30, 2017. The Support Unit sent a [letter](#) informing Trinidad and Tobago that they had acted contrary to the OGP Process for the third consecutive action plan cycle and that C&S would immediately recommend to the full Steering Committee Trinidad and Tobago be designated as inactive in OGP at the in-person Steering Committee meeting in 2018. A subsequent [letter](#) was sent to Trinidad and Tobago on January 18, 2018 informing that their NAP cycle has shifted from an "odd year" to an "even year" and the deadline to deliver a NAP is August 31, 2018.

Trinidad and Tobago failed to submit its OGP Action Plan by the August 31 deadline. The Support Unit had a phone conversation with the Trinidad and Tobago POC on September 20, 2018. The POC indicated Trinidad and Tobago were aware of the timelines and risks of being designated inactive, and indicated they will begin developing an action plan in 2019. The government of Trinidad and Tobago will deliver a letter to the SU indicating their intent to re-engage in OGP which will be presented to C&S upon receipt.



In order to conclude the review process, Trinidad and Tobago had to submit its AP by August 31, 2018. Since they failed to do so, the C&S will recommend that it be designated as inactive by the Steering Committee during their next meeting in December 2018. The inactive status will be removed once they deliver a new action plan.

Criteria and Standards Subcommittee is recommending inactivity status for Trinidad & Tobago at the December 5, 2018 SC meeting.



Report on Board Activities from Mark Robinson, Chair of the Board of Directors (5 December 2018)

The Open Government Partnership (OGP) Secretariat Board of Directors provides legal and fiscal oversight of the Secretariat (comprised of the Support Unit and IRM) related to OGP status as a public charity incorporated in the United States. This work complements the strategic oversight that the OGP Steering Committee (SC) provides to OGP. Since the report provided at the the July 2018 Steering Committee meeting, the Board of Directors has taken the following actions:

- Provided an orientation about the Board and its responsibilities to the three new members appointed to the Board by the Steering Committee. These three new members are:
 - **María Baron**, Global Executive Director of Directorio Legislativo. She is also founding chair of the Latin American Network for Legislative Transparency and is a member of OGP's Steering Committee.
 - **Mukelani Dimba** is the Head of Development of the International School for Transparency in South Africa. Prior to this role he served as the Executive Director of the Open Democracy Advice Center (ODAC). He is a member of OGP's advisory committee of the Open Contracting Partnership and just completed his term as Civil Society Co-chair of OGP's steering committee.
 - **Laura Gorrie** is the Director General for Corporate Planning, Performance and Risk for Global Affairs of the Government of Canada where she is responsible for key corporate planning, corporate risk management, for developing the Department's Investment Plan and supporting the implementation of performance measurement elements of the Policy on Results.
- Agreed to change the OGP Secretariat bylaws so the Board can be comprised of a range of 3 to 6 members rather than a required 6 members. This change is necessary since it has been exceedingly difficult to maintain the required 6 members of the Board of Directors since the Board was originally formed given they must be drawn from the Steering Committee. Presently the Board is comprised of 5 members.
- Authorized OGP staff to begin the work to establish an EU office located in Brussels.
- Selected Gelman, Rosenberg and Freedman, a firm located in Washington DC to audit OGP's 2018 financial records in 2019.
- Approved a 2-month extension to OGP's 2018 budget through February 2019. This extension will allow the SU/IRM staff sufficient time to complete its 2019 work-planning and budgeting prior to SC review and Board of Director approval of the 2019 budget.

The Board is actively seeking one additional Board members who will be able to serve for a term of three years. The Board is especially interested in candidates from Latin America, Africa and Asia, and individuals with financial and legal expertise who are familiar with the NGO environment, especially in a U.S. or European setting. The Board aims for a broad balance between Board members from civil society and those working in government.



Members of the OGP Secretariat Board of Directors are appointed by the OGP SC for a term of three years. Candidates for the Board must be current SC members - or part of SC governments - at the time of their appointment. Regardless of the individual's existing affiliation with the Partnership, once appointed as a Board Member, the individual serves in a personal capacity on the Board and not expected to reflect the views of their government or other organizations with which he or she is affiliated. The Board of Directors is required to meet at least two times per year. One meeting is held in person annually while other meeting(s) may be held virtually.

Please contact Mark Robinson or Nathaniel Heller if you have questions or suggestions about potential Board members.



Annexes



Annex I: Steering Committee Strategy to Deliver on 2018 OGP Collective Deliverables

In March 2018, the Governance and Leadership Subcommittee (GL) discussed the development of a strategy for the Steering Committee to identify a set of concrete actions that can help OGP achieve its collective deliverables in 2018 at the country, global and thematic levels.

This Steering Committee strategy (hereafter SC Strategy) consists of a grid of concrete, actionable, and measurable activities that SC members have committed to undertake in 2018-2019. This strategy is aligned with the GL co-chair priorities, and reinforces the SC subcommittee work plans, including on thematic priorities and support needed for countries under review, and other priority and opportunity countries. With the aim to maintain the desired strategic level of the SC Strategy, the grid is not meant to capture all the activities being undertaken by the SC.

The SC Strategy aims to showcase the activities that SC members are leading on, and also streamline the support requested of the SC based on the emerging needs and priorities of the Partnership. Furthermore, the SC Strategy is envisioned to serve as a tool for SC accountability, and point of reference for the role of each SC member to help deliver OGP’s priorities, leveraging SC meetings as key moments to check in on these activities and reflect on successes and challenges encountered.

There are three main areas of support included in the strategy:

Cross-country - High-level political engagement to capitalize on emerging opportunities such as potential future leaders of open government and OGP; and/or provide support for countries undergoing challenging situations hindering their national OGP processes, such as those under Procedural or Response Policy review.

Global/Regional Support - Leverage role and leadership in international forums to help position OGP on the global stage, and/or identify and recruit new OGP ambassadors.

Thematic Leadership - Reinforce the thematic priorities identified in the Thematic Leadership Subcommittee (TLS) work plan by raising the bar and leading on prioritized thematic areas, including those outlined in the Paris Declaration.

SC Members	Cross-Country	Global and Regional Support	Thematic Leadership
Argentina	<ul style="list-style-type: none"> • Support OGP countries in engaging subnational governments in APs. • Collaborate with countries facing 	<ul style="list-style-type: none"> • Leverage G20 presidency to include OGP priorities. • Use the International Open Data Conference 	<ul style="list-style-type: none"> • Promote the adoption of OGP commitments on transparency in public procurement through C6 (Open Contracting).



	transition when developing APs in LA.	(IODC) to encourage ambitious reforms in open data, in line with the OAS 2018 Lima Commitment, and promote purpose-driven openness.	<ul style="list-style-type: none"> Promote cross-strategies to align national development plans with the OGP agenda ensuring they can contribute to advance SDG targets. Develop pilot initiative to engage Schools of Government in the OGP agenda and share this approach in 2019 CLAD Conference in Argentina. Build an Open Justice Coalition fostering access to justice, legal empowerment and transparency, participation and accountability in the justice sector, as well as the adoption of OGP commitments on this regard.
Canada	<ul style="list-style-type: none"> Engage candidates for incoming government co-chair Welcome new lead OGP Ministers in priority countries jointly identified with the Support Unit. Diplomatic outreach to Trinidad and Tobago. 	<ul style="list-style-type: none"> Pilot #MyG7 campaign (https://g7.gc.ca/en/participate/) to engage citizens in various aspects of the 2018 G7 themes through social media. 	<ul style="list-style-type: none"> Feminist Open Government (Organize high level session at summit; Bilateral discussions with a set of countries jointly identified with the SU in Tbilisi to encourage commitments in action plans) Digital service delivery (engage D7 on including commitments in action plans)
Croatia	<ul style="list-style-type: none"> Support the re-engagement of Bosnia and Herzegovina and Montenegro Engage new OGP governments developing APs to share experience regarding public consultations 		<ul style="list-style-type: none"> Bilateral outreach to 2 OGP governments to support commitment development on access to information and public consultations
France	<ul style="list-style-type: none"> High level outreach to Morocco Outreach to Tunisia and technical support to expedite the publications of their 2016 Audit Report by the end of June 2018 to avoid inactivity. High level outreach to Senegal to join OGP at the Global Summit. 	<ul style="list-style-type: none"> Integrate OGP into the Paris Peace Forum planning process. 	<ul style="list-style-type: none"> Open Contracting (Organize high level C6 session at summit as current chairs of C6; encourage additional countries to sign up to the Open Contracting Data Standard). TLS co-chairing (Outreach to SC members to lead and engage in Open Gov Week thematic activities; Lead ministerial discussion on thematic leadership at Tbilisi SC).
Georgia	<ul style="list-style-type: none"> Support re-engagement of Montenegro in OGP. 	<ul style="list-style-type: none"> Leverage diplomatic channels to ensure Ministerial and Head of 	<ul style="list-style-type: none"> Engage in bilateral meetings with a set of governments to support



	<ul style="list-style-type: none"> Support re-engagement of Armenia and Kyrgyzstan in OGP 	<p>State/Government level attendance at the Georgia Global Summit and the Tbilisi SC meetings.</p>	<p>commitment development on anti-corruption measures.</p> <ul style="list-style-type: none"> Host parliament session in Tbilisi.
Indonesia	<ul style="list-style-type: none"> High level diplomatic outreach to Papua New Guinea to re-activate OGP process and finalize draft action plan by August 31. 	<ul style="list-style-type: none"> Champion the link between SDGs and OGP. Leverage EITI board membership to foster closer collaboration between EITI and OGP platforms. 	<ul style="list-style-type: none"> Share experience of implementing beneficial ownership with other countries in the region. Support the development of a regional repository of public service delivery success stories Support the development of sectoral leadership networks on public service delivery priority subthemes Share Indonesia's experience and progress on beneficial ownership through a high level panel in Georgia Global Summit and a workshop at the November Asia-Pacific OGP Regional Meeting, integrating other countries' experiences.
Italy	<ul style="list-style-type: none"> Engage Bosnia and Herzegovina and Montenegro as part of C&S chair role 	<ul style="list-style-type: none"> Share and support other countries with 'open administration' campaigns 	<ul style="list-style-type: none">
Mexico	<ul style="list-style-type: none"> Provide transition support to the incoming government to ensure the sustainability of the national OGP process 		<ul style="list-style-type: none"> Leverage participation in the C6 and engagement in the open contracting field to promote more commitments with higher ambition on this theme.
Nigeria		<ul style="list-style-type: none"> Link OGP to African Union's Year of Anti-Corruption. Leverage EITI board membership to foster closer collaboration between EITI and OGP platforms. 	<ul style="list-style-type: none"> Champion 5x5 anti-corruption theme in the African Union. Play leadership role on beneficial ownership transparency within the African region.
Romania	<ul style="list-style-type: none"> Engage Montenegro and Bosnia and Herzegovina. Support Iasi as new member of OGP Local program to develop first OGP action plan. 	<ul style="list-style-type: none"> Leverage the presidency of the Council of EU in the first half of 2019 for promotion of OGP and its priorities. 	



South Africa		<ul style="list-style-type: none"> • Build OGP-African Peer Review Mechanism (APRM) partnership. 	<ul style="list-style-type: none"> • Share experience of <i>Vulekamali</i> open budget platform with other OGP countries in the region.
South Korea	<ul style="list-style-type: none"> • High level outreach to New Zealand. 	<ul style="list-style-type: none"> • Host Asia-Pacific OGP regional meeting • Integrate OGP into OECD meeting hosted in Seoul in November and into other international fora. 	<ul style="list-style-type: none"> • Integrate open contracting, access to information, open data, and citizen engagement as priority themes of the 2018 Asia Pacific Regional Meeting and National Action Plan. • Support the development of sectoral leadership networks on public service delivery priority subthemes. • Leverage the Government Innovation Master Plan in South Korea's National Action Plan development process and the regional meeting agenda setting.
Manish Bapna		<ul style="list-style-type: none"> • Pitch OGP with European funders, especially The Netherlands and Sweden. 	<ul style="list-style-type: none"> • Leverage WRI offices to engage in national dialogue and work towards climate and water commitments in action plans. • Open Climate day at summit
Maria Baron	<ul style="list-style-type: none"> • Support OGP engagement in the Latin America and Caribbean region. • Support the delivery of the parliamentary plan in Chile and parliamentary commitments in Argentina, Colombia, Guatemala, and Costa Rica. 	<ul style="list-style-type: none"> • Leverage the OPeN network for country-level parliamentary engagement. • Help with the integration of OGP in G20 Argentina. • Lead on survey of OGP trends in 14 countries of the Latin American region and recommendations. 	<ul style="list-style-type: none"> • Advance private sector engagement with OGP in 1-2 key countries jointly identified with the SU. • Co-organize financial disclosure workshop.
Helen Darbshire	<ul style="list-style-type: none"> • Promote Paris declaration action on Access to Information, via adoption/improvement and implementation of ATI laws. (focus on Europe but not exclusively). 	<ul style="list-style-type: none"> • Improve and facilitate greater OGP engagement by RTI community, including CSOs and Information Commissioners. • Promote measuring of right of access to information (including with UNESCO and link to SDG 16.10.2, also WB, OECD). • Explore link transparency and trust 	<ul style="list-style-type: none"> • Promote Paris Declaration commitments on beneficial ownership and lobby transparency.



		and defense of democracy.	
Mukelani Dimba	<ul style="list-style-type: none"> Support to new South Africa administration on civil society consultations and development of new action plan Engage with African priority countries and locals. 	<ul style="list-style-type: none"> Engage in high level bilateral meetings during the Georgia Global Summit. Deliver keynote speeches at CSO day and Opening Plenary of the Global Summit. 	<ul style="list-style-type: none"> Shape high level session on public services at July SC, working with TLS Co-Chairs. Publish/launch ‘OGP and Public Services from an SDG and Socio-Economic Rights perspective’ paper. Co-chairs letter to all governments developing 2018 APs to incorporate public service delivery commitments. Reach out to 2-3 specific governments to make commitments on this topic in the 2018 cycle.
Aidan Eyakuze	<ul style="list-style-type: none"> Engage African priority countries and locals. Support the open government process in Kigoma (pioneering OGP Local participant) beyond the withdrawal of the Tanzania government from OGP. 	<ul style="list-style-type: none"> Ensure OGPTF operates in line with OGP’s broader strategy and is leveraged by the community. Practice Group on Deliberative Processes. Convene/broker first OGP Champions Network Promote OGP at GPSDD. 	<ul style="list-style-type: none"> Support the development and implementation of the ‘Public Services 5’ Shape high level session on public services at July SC, working with TLS Co-Chairs, and in coordination with Mukelani Dimba.
Nathaniel Heller		<ul style="list-style-type: none"> Pitching OGP with the Gates Foundation. 	<ul style="list-style-type: none"> Organize a high-level panel at Georgia summit on gender and inclusion. Leverage FOGO and T4D results to inform potential OGP commitments.
Robin Hodess	<ul style="list-style-type: none"> Engage with UK, Kenya. Provide active presence in Germany. Contribute to Nordic + events. 	<ul style="list-style-type: none"> Co chair C&S, driving Rapid Response Mechanism development. Represent OGP at OECD. 	<ul style="list-style-type: none"> Promote beneficial ownership transparency priority via blog and call to action. Leverage The B Team to advance work on/with private sector.
Suneeta Kaimal	<ul style="list-style-type: none"> Support on Azerbaijan response policy case. Country engagements with Canada, Indonesia, Kyrgyz Republic, Mongolia, Tunisia and Ukraine. 	<ul style="list-style-type: none"> Host sessions at international events such as the IODC and Georgia Summit. Engagement and support on Feminist Open Government agenda. 	<ul style="list-style-type: none"> Leverage NRGI to deliver on open government in the natural resources / extractives (see MOU between NRGI and OGP for additional commitments).



Giorgi Kldiashvili	<ul style="list-style-type: none"> Engage with Georgia and Eastern Europe. 	<ul style="list-style-type: none"> Leverage the OPeN network for country-level parliamentary engagement. 	<ul style="list-style-type: none"> OPeN Webinar on Georgia's parliamentary Action Plan (co-creation process). Knowledge material/webinar on anti-corruption and on the SDGs.
Zuzana Wienk	<ul style="list-style-type: none"> Engage Central and Eastern Europe. 	<ul style="list-style-type: none"> Support strengthening the partnership between OGP and the EU (opening doors to EU institutions, identifying useful synergies and ambassadors, identifying and planning for pilot activities). OGNfE Beneficial Ownership event (TBC - autumn 2018). 	<ul style="list-style-type: none"> Connect OGP dots around Beneficial Ownership for a concerted global push Leverage TLS co-chair role to encourage SC members to identify and lead on ambitious goals and deliver concrete results on priority themes.



Annex II: Open Government Partnership (OGP) Articles of Governance Update for Endorsement from the OGP Steering Committee (5 December 2018)

Background and Rationale

OGP has not updated its Articles of Governance (the “AoG”) since September 2015. Since then, OGP has evolved, making a further update appropriate for several reasons. First, the Steering Committee (the “SC”) has approved many changes to the AoG. In addition, OGP has developed some policies and processes while putting the language of the original OGP into practice that mandate tweaking the original language. Finally, experience shows that OGP needs to further refine the AoG in places to make the provisions work as intended, and to align them with recent updates to several of the Addenda. **This revision, however, is not intended to serve as the mechanism to make substantive changes to the policies, processes, and procedures of OGP.**

Types of changes to the AoG

This annotated version of the AoG reflects the proposed final text and includes the following three types of changes:

- i. Changes that have already been approved by the OGP SC or its subcommittees (highlighted in green), not to effect further substantive change in the AoG, **and are not for decision**. These are to reflect SC-approved processes and guidelines currently not included in the 2015 version of the AoG.
- ii. Minor changes (highlighted in yellow) to update the language, remove micro-detail from the main text, and order of the AoG, **up for endorsement by the SC**. These are simple administrative edits not to effect further substantive change in the AoG.
- iii. Updates to the text of the AoG to reflect and align with current practices (highlighted in purple), that **are up for endorsement by the SC**. These include reflecting the updated roles and responsibilities of the Support Unit, Steering Committee and Subcommittees that have evolved in the past years.

All changes to the AoG, including those already approved, and those up for decision by the SC in December 2018, along with their rationale, are reflected within the text of this annotated version in footnotes. A summary of all changes is included as part of this memo. **This revision of the AoG has been endorsed by Criteria and Standards subcommittee at its October 25 2018 meeting.**

Order and detail of the AoG

The overall organization of the AoG has been revised and the individual Articles re-numbered to lay out the terms of participation and the governance structure upfront (after Article I, Background and Objectives) for greater clarity and to facilitate shortening the document. The re-ordering includes combining the separate Articles on the SC and the Support Unit (the “SU”) into one Article, entitled, Governance Structure, with sub-parts (new Article III). A Definitions section will be finalized and included before the revised Articles of Governance are published.



The current version of the AoG contains a considerable amount of prescriptive micro-detail. This was necessary when OGP was first established. It was an entirely new undertaking for Participating Countries and Civil Society and, therefore, the balance tilted towards spelling out every step. Now, that OGP has been operational for several years, however, there's been time to develop some operational norms, making it neither necessary nor appropriate to attempt to prescribe every operational step in the AoG.

The AoG were slimmed down to move mico-details to separate documents. Reference to these documents have been included in this revised version of the AoG, such as the Country Contribution Guidelines, and to the Point of Contact Manual and the guidance it provides on the preparation of Action Plans.

OGP Local Participants

The AoG, as currently written, does not contemplate the participation of sub-national or local governments. Instead of incorporating references to sub-national or local governments in the main text of the AoG, a separate Sub-National or local Annex to the AoG, or a stand-alone document, that specifies when and how references in the AoG to national governments also apply to sub-national or local governments will be developed in 2019.

Addenda

We propose to update Addenda A and B, respectively, Country Eligibility and Country Commitments as part of this Update. In Addendum B, we will remove the "five OGP grand challenges" as time has shown that they are superfluous; they do not add anything to the Declaration's statement of OGP core values. Addenda C and E, respectively, the Consultation Guidelines and Response Policy have recently been updated separately. Addenda F, IRM Charter is undergoing a separate review. We have removed the Declaration from the Addenda. As OGP's foundational document, it belongs as a stand-alone document. We have added a new addendum, Addendum G, to provide for the Rapid Response Mechanism.



Summary of changes included in the 2018 revision of the OGP Articles of Governance

This list follows the footnote numbering in the text of the 2018 annotated version of Articles of Governance.

Footnote #	Type of Change	Summary of Previous Decision/Proposed Change <i>(not to reflect official text)</i>	Rationale and/or date of previous decision
1	Previously approved change - No SC approval required	Rename "Biannual Summit" to "OGP Global Summit"	As per the Guidance approved by the SC during its September 2014 meeting regarding events, the Biannual Summit is now referred to as the OGP Global Summit.
2	Previously approved change - No SC approval required	Include the "Values Check" assessment approved by the SC in 2017	During its September 2017 meeting , the Steering Committee approved to include a "Values Check" assessment in addition to the current core Eligibility Criteria before new countries are admitted to OGP. This change will be added to the agenda.
3	Change in practice - This item requires SC approval	Remove the "Five Grand Challenges" from the AoG	Current version of the AoG includes five grand challenges that OGP Action Plans have to address, but this classification is too broad and is hardly used anymore. Furthermore, their implementation is not recorded or analyzed either.
4	Previously approved change - No SC approval required	Reflect the revised, SC-approved Co-Creation and Participation Standards	During its September 2016 meeting , the Steering Committee approved the new Co-creation and Participation Standards.
5	Previously approved change - No SC approval required	Include the revised, SC-approved version of the Response Policy	The Response Policy was approved in the September 2014 SC meeting , its mandate was extended in July 2015 and it was



	<u>approval required</u> [Redacted]		updated once more in 2017 and approved in September 2017
6	<u>Previously approved change - No SC approval required</u>	Include the “Rapid Response Mechanism” approved by the SC in 2018	The Rapid Response Mechanism was approved by circular in September 2018 once some of the comments and concerns raised by the full SC in their July 2018 meeting were addressed.
7	<u>Minor change proposal - for non-objection approval</u>	Including summary of OGP’s governance structure.	This section was included based on AoG re-arrangement as it was not previously mentioned.
8	<u>Minor change proposal - for non-objection approval</u>	Add “other entities” in addition to “private sector” when outlining OGP participants.	To make it more inclusive and encompass other participants in OGP.
9	<u>Change in practice - This item requires SC approval</u> [Redacted]	Formalize protocol to follow when a country falls below eligibility and fails to raise back above the minimum threshold within a one-year period	Previous version of the AoG did not outline the protocol to follow when a country fails to regain eligibility within a one-year period. In practice, C&S opts to place such country under procedural review and to provide enhanced support.
10	<u>Previously approved change - No SC approval required</u> [Redacted]	List the triggers through which a country is considered to have acted contrary to OGP process (“Contrary to Process”)	During its June 27-28 2017 meeting , the SC approved Procedural Review changes that outline the actions that are considered acting contrary to process.




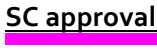



11	Previously approved change - No SC approval required	Protocol to follow when a country falls under Procedural Review and fails, within reasonable time, to address the problems that led to it being found to be acting contrary to process	During its April 22-23 2015 meeting , the SC resolved to adopt the recommendations from the Criteria and Standards subcommittee that clarify rules related to country participation in OGP.
12	Previously approved change - No SC approval required	Definition and rules “inactive” status in OGP	During its May 3-4 2017 meeting , the SC placed Azerbaijan and Turkey in inactive status and established basic rules about inactive status.
13	Previously approved change - No SC approval required	Reflect updated text of the OGP Response Policy	The Response Policy was approved in the September 2014 SC meeting , its mandate was extended in July 2015 and it was updated once more in 2017 and approved in September 2017 .
14	Previously approved change - No SC approval required	Reflect the “Rapid Response Policy” approved by the SC in 2018	The Rapid Response Mechanism was approved by circular in September 2018 once some of the comments and concerns raised by the full SC in their July 2018 meeting were addressed.
15	Change in practice - This item requires SC approval	Include the designation of Civil Society Steering Committee “Seconds”	Civil Society Steering Committee members have named seconds for the last 4 years, but the role and protocol for appointing seconds was not formalized until 2018.



16	Previously approved change - No SC approval required	List the updated eligibility criteria for governments who wish to join the SC	During its September 20, 2017 meeting, the SC approved the update of the eligibility criteria for governments who wish to run for a seat in the SC.
17	Previously approved change - No SC approval required	Combine all clauses regarding eligibility criteria for governments who wish to join the SC	This is an existing clause that has been moved from a separate section of the current AoG .
18	Previously approved change - No SC approval required	List the updated eligibility criteria for governments who wish to join the SC	During its September 20, 2017 meeting, the SC approved the update of the eligibility criteria for governments who wish to run for a seat in the SC.
19	Change in practice - This item requires SC approval	Reduce micro-detail of the selection process of Civil Society Steering Committee in the text of the AOG.	The language was simplified to reduce details within the main text of the AoG and reflect current practice. The protocols and procedures for the selection of Civil Society SC members has been reviewed and approved by the Civil Society Co-Chairs in 2018.
20	Minor change proposal - for non-objection approval	Formalize the extension of SC members' terms when they are elected to serve as Chairs during the last year of their regular SC term	This is in line with current practice since 2015, but it was not spelled out in the current AoG



21	<p>Minor change proposal - for non-objection approval</p> 	<p>Simplify text of the description of the composition of GL and remove micro-detail of the nomination/voting process from the main text of the AoG</p>	<p>The language was simplified with substantive changes</p>
22	<p>Change in practice - This item requires SC approval</p> 	<p>Outline the current practice regarding the designation of the SC Co-chairs where there are two lead, and two incoming chairs from each constituency</p>	<p>Current AoG mention there are one lead and one incoming government chairs, and “two civil society chairs”.</p>
23	<p>Change in practice - This item requires SC approval</p> 	<p>The proposal simplifies the language and updates the Chairs’ election and rotation process. It also removes micro-detail of the process from the main text of the AoG.</p>	<p>Current AoG are outdated and the proposed revision allows for certain flexibility in the deadline for SC governments to submit their candidacy to GL (current AoG state the deadline to be March of the relevant year, and in most cases, SC regular elections are yet completed by then).</p>
24	<p>Change in practice - This item requires SC approval</p> 	<p>Reflect the updated functions of the SC</p>	<p>The language was updated to reflect current practices.</p>
25	<p>Change in practice - This item requires SC approval</p> 	<p>Reflect the updated functions of GL</p>	<p>The language was updated to reflect the role of GL in line with current practices, and includes several changes on oversight and responsibilities based on the spinoff establishment of the OGP Board of Directors, and other decisions. Please review thoroughly.</p>



26	<p>Change in practice - This item requires SC approval</p>	<p>Reflect the updated functions of C&S</p>	<p>The language was updated to reflect the role of C&S in line with current practices and changes in rules (e.g. Response Policy). There are also tweaks to further clarify the C&S role vis-à-vis the IRM and eligibility criteria. The reference to developing guidelines for self-assessment reports has been removed as this is now done by the SU.</p>
27	<p>Previously approved change - No SC approval required</p>	<p>Reflect the functions of TLS as approved by the SC when the new subcommittee was established in 2017.</p>	<p>During its September 20, 2017 meeting, the SC approved the establishment and mandate of the Thematic Leadership Subcommittee.</p>
28	<p>Change in practice - This item requires SC approval</p>	<p>Reflect the updated functions of SU</p>	<p>The language was updated to reflect the role of the SU in line with current practices and changes in rules and capacity of the SU. The current version of the AoG makes reference to a much smaller version of the SU during its early years of implementation. Please review.</p>
29	<p>Minor change proposal - for non-objection approval</p>	<p>Reflect the hiring process, reporting lines, and the role of the CEO.</p>	<p>The text was updated to reflect the actual process of hiring the CEO. Prior to the establishment of OGP as a separate legal entity under D.C. law with its own Board of Directors, old Article IV provided that the GL would appoint the CEO. Consistent with the provisions of OGP's founding documents as a legal entity under D.C. law, this new Article III(C)(2) provides that the Board of Directors of the new legal entity will appoint the CEO.</p>



30	<p>Previously approved change - No SC approval required</p>	<p>Reflect current practices regarding the OGP Global Summit and remove micro-detail of OGP events' guidelines from the main text of the AoG.</p>	<p>OGP's practice with respect to who sets the Summit's date, location and agenda has evolved considerably over the last few years from what is provided for in the AoG. In addition to reflecting the input of the GL and the SU in setting the date and location of the Summit, the update, in revised Article IV, reflects the current practice for including civil society. The procedures and protocols, including on development of the agenda, issuing invitations, participants, and other details regarding for the organization of Global Summits and other OGP events are outlined in a separate document currently undergoing review. This document is based on the guidelines approved by the SC at its September 2014 meeting and current practice.</p>
31	<p>Previously approved change - No SC approval required</p>	<p>Reflect the new requirement of online repositories for all OGP participating national governments and not count late delivery of self-assessment reports as a trigger for acting contrary to process.</p>	<p>During its June 27-28 2017 meeting, the SC approved Procedural Review changes that outline the actions that are considered acting contrary to process and removed the late delivery of a Self-assessment report from this list.</p>
32	<p>Change in practice - This item requires SC approval</p>	<p>Remove micro-detail from the text of the AoG and reflect current practices regarding self-assessment reports</p>	<p>The language of this clause was updated to simplify the text, reflect current practices and changes in rules (such as the self-assessment reports rule mentioned above).</p>



33	<p>Previously approved change - No SC approval required</p>	<p>Reflect OGP as an independent legal entity under the laws of the District of Columbia, and no longer as a project of OGP's former fiscal sponsor TIDES</p>	<p>The independent legal status of the OGP Support unit was approved by the SC at its September 2014 meeting. Reflecting OGP's origins as an entity housed with TIDES and subsumed under TIDES' legal identity, old Article VII refers to the SU being housed within another legal entity, having its bank account managed by such entity, and having a fiscal sponsor. It also provides for Participating Countries to make annual financial contributions. These provisions are out of date now that OGP has been established as an independent legal entity under the laws of the District of Columbia. This provision was revised to reflect OGP's new independent legal status and re-title the Article as Legal Status and Funding. The new Article (Article VI) includes references to the composition, role and functions of the new DC nonprofit entity. It also refers to Participating Countries' financial contributions as country contributions, in accordance with the terminology used in the new D.C, entity's foundational documents.</p>
34	<p>Minor change proposal - for non-objection approval</p>	<p>Remove clause indicating that AoG will be reviewed yearly.</p>	<p>Old Article IX provides that the SC will review the AoG annually. This does not accord with practice; the AoG were last updated in 2015. This provision was update to provide that the SC will review the AoG from time to time, retaining the current requirement that changes to the AoG must be agreed by consensus of the SC.</p>



OPEN GOVERNMENT PARTNERSHIP

ARTICLES OF GOVERNANCE – ANNOTATED VERSION 29 OCTOBER 2018

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¹ **Previously approved change:** As per the Guidance approved by the SC during its [September 2014 meeting](#) regarding events, the Biannual Summit is now referred to as the OGP Global Summit.

² **Previously approved change - No SC approval required:** During its [September 2017 meeting](#), the Steering Committee approved to include a “Values Check” assessment in addition to the current core Eligibility Criteria before new countries are admitted to OGP. This change will be added to the agenda.

³ **Change in practice - This item requires SC approval:** Current version of the AoG includes five grand challenges that OGP Action Plans have to address, but this classification is too broad and is hardly used anymore. Furthermore, their implementation is not recorded or analyzed either.

⁴ **Previously approved change - No SC approval required:** During its [September 2016 meeting](#), the Steering Committee approved the new Co-creation and Participation Standards.



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⁵ **Previously approved change. No SC approval required.** The Response Policy was approved in the [September 2014 SC meeting](#), its mandate was extended in [July 2015](#) and it was updated once more in 2017 and approved in [September 2017](#).

⁶ **Previously approved change. No SC approval required.** The [Rapid Response Mechanism](#) was approved by circular in September 2018 once some of the comments and concerns raised by the full SC in their [July 2018](#) meeting were addressed.



I. BACKGROUND AND OBJECTIVES

The Open Government Partnership (OGP) is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In the spirit of multi-stakeholder collaboration, OGP is overseen by a Steering Committee ("SC") that includes representatives of governments and civil society organizations.

OGP's governance structure is comprised of the SC, for which there are four co-chairs, two lead and two incoming, and three subcommittees, the Governance and Leadership Subcommittee (GL), the Criteria and Standards Subcommittee (C&S) and the Thematic Leadership Subcommittee (TLS). The SC and subcommittees are supported by a secretariat, the Support Unit ("SU"). Separately, an independent overseeing body, the Independent Reporting Mechanism (IRM) assesses the progress of countries that have committed to participating in OGP ("Participating Countries") in living up to the commitments they have made to OGP as set out in the countries' national action plans ("Action Plans").⁷

II. PARTICIPATION

A. Becoming a Participant

Countries, Civil Society Organizations and other entities may participate in OGP in accordance with the terms detailed below.

(1) Countries

To become a Participating Country, a country must meet the Eligibility Criteria and pass, the Values Check, both as set out in Addendum A.

A country joins and participates in OGP by taking the following steps:

- a. Submitting a letter of intent signaling its government's commitment to open government and to abiding by OGP's principles and processes by endorsing the Open Government Declaration (the "Declaration");
- b. Developing a plan, committing to undertake a concrete set of actions ("Commitments") according to OGP standards, as set out in Addenda B and C (an "Action Plan"); and
- c. Implementing the Action Plan and reporting on progress, in cooperation with the IRM.

All countries that take these steps are considered Participating Countries and are listed on the OGP website, unless they have subsequently withdrawn, or been deemed to have withdrawn, from OGP in

⁷ **Minor change proposal - for non-objection approval:** This section was included based on AoG re-arrangement as it was not previously mentioned.



accordance with the provisions of these Articles. The Support Unit (SU) maintains a list of all Participating Countries.

(2) Civil Society

Civil Society Organizations can contribute to OGP by running for membership of the SC; helping to co-create, implement, and monitor Action Plans; and, taking part in the OGP Global Summit and other OGP outreach events.

(3) Private Sector and other entities⁸

OGP strongly encourages the Private Sector and other entities to take part in developing, monitoring, and supporting the implementation of Action Plans by participating in both domestic public consultations and multi-stakeholder forums, as well as by providing technical expertise. Representatives of the Private Sector may also be invited by the SC to participate in the OGP Global Summit and other outreach events.

B. Responsibilities of Participation

(1) All Participants

The continuing responsibilities of Civil Society and Private Sector and other entities participants in OGP are determined by the provisions of these Articles governing the SC, OGP Global Summit and the development, implementation and monitoring of Action Plans. The continuing responsibilities of Participating Countries also include the responsibilities set out below.

(2) Countries

(a) Initial Undertakings

All Participating Countries undertake to do the following:

1. Endorse the Declaration;
2. Co-create an Action Plan through a multi-stakeholder process, with the engagement of citizens and Civil Society
3. Make commitments, as part of an Action Plan, that are ambitious and go beyond a government's current practice;
4. Assess and report on their governments' performance in meeting their Commitments in the manner and with the frequency set out in Article V(A) and to submitting to independent reporting on their governments' progress;

⁸ **Minor change proposal - non-objection approval:** add "other entities" in addition to private sector to make it more inclusive and encompass other participants in OGP.



5. Contribute to the advancement of open government in other countries by sharing best practices, expertise, technical assistance, technologies and resources, as appropriate;
6. Make annual financial contributions to OGP in accordance with the provisions of Article VI(B); and
7. Participate in OGP events.

(b) Continued Eligibility

To continue to participate in OGP, a country's government must exhibit a demonstrated commitment to open government by meeting the minimum performance criteria on key dimensions of open government set out in Addendum A ("Eligibility Criteria"). Addendum A identifies four dimensions of open government for these purposes (fiscal transparency, access to information, disclosures related to public officials, and citizen engagement) and a methodology for measuring and scoring countries' satisfaction of each of these dimensions ("Eligibility Scores").

The SU reviews countries' Eligibility Criteria scores (which reflect countries' performance on the key dimensions of open government listed in Addendum A) annually, or as requested by stakeholders, including Participating Countries, Civil Society Organizations or other participants, and reports changes in Participating Countries' eligibility scores to the SC.

(c) Failure to Maintain Eligibility

If a Participating Country falls below the Eligibility Criteria, as reported to the Criteria and Standards Subcommittee (C&S) by the SU, it should take immediate and explicit steps to address the situation so that it meets the criteria within one year of that determination. **If a country fails to meet the Eligibility Criteria within that one-year period, C&S will place the country under Procedural Review pursuant to Article II(B)(2)(d) below.**⁹

(d) Acting Contrary to OGP Process: Procedural Review

Participating Countries are expected to comply with the terms of the Declaration and to consistently and continually advance open government for the well-being of their citizens. A Participating Country will be considered to have failed in these expectations and to have acted contrary to OGP process ("Contrary to Process") if;

(i) the country's government fails to publish an Action Plan within four months of the date the plan is due to be published (such due date and such failure being recorded by the SU); or

(ii) the country's government fails to meet the International Association for Public Participation (IAP2) "Involve" requirement during development, or the "Inform" requirement during implementation, of the Action Plan, as determined by the Independent Reporting Mechanism ("IRM"); or

⁹ **Change in practice - This item requires SC approval!** Previous version of the AoG did not outline the protocol to follow when a country fails to regain eligibility within a one-year period. In practice, C&S opts to place such country under procedural review and to provide enhanced support.



(iii) the country's government fails to collect, publish and document a repository on the government's national OGP website or web page, in accordance with the IRM's guidance; or

(iv) the IRM Report on the country establishes that the government has made no progress in implementing any of the Commitments in the country's Action Plan.¹⁰

When a country acts Contrary to Process, as determined by C&S based on information provided to it by the SU, the SU will notify the country to that effect in writing and publish the notification on OGP's website.

If a country acts Contrary to Process for two consecutive Action Plan cycles, C&S will place the country under review ("Procedural Review") while the country is addressing the problems that led to C&S finding it to be acting Contrary to Process.

When a country is placed under Procedural Review, C&S and the SU will provide enhanced support to help expedite the country's efforts to resolve the issues that resulted in the country being placed in that status. If a country under Procedural Review fails, within a reasonable time, to make substantial progress on the problems that led to it being found to be acting Contrary to Process, as determined by the SU and confirmed by C&S, C&S may recommend to the SC that the country be designated Inactive by resolution of the SC.¹¹

A country that the SC designates Inactive is ineligible to vote in SC elections, and may only attend OGP events as an observer for learning purposes.¹²

The SC, at its discretion, will determine the terms and circumstances in which an Inactive country may have the Inactive designation lifted or be required to withdraw from OGP. Such terms and circumstances will be stated in the resolution designating the country Inactive. If, however, a country remains in Inactive status for a year without communicating to the SU that it wants to continue to participate in OGP, the SU will so inform C&S and C&S will recommend that the SC require the SU to remove the country from the list of Participating Countries. Any country, whether in Active or Inactive status, may at any time decide itself to withdraw from OGP.

¹⁰ **Previously approved change - No SC approval required.** During its [June 27-28 2017 meeting](#), the SC approved Procedural Review changes that outline the actions which will be considered acting contrary to process.

¹¹ **Previously approved change No SC approval required.** During its [April 22-23 2015 meeting](#), the SC resolved to adopt the recommendations from the Criteria and Standards subcommittee that clarify rules related to country participation in OGP.

¹² **Previously approved change. No SC approval required.** During its [May 3-4 2016 meeting](#), the SC placed Azerbaijan and Turkey in inactive status and established basic rules about inactive status.



(e) Policy on Upholding the Values and Principles of OGP (Response Policy)¹³

Should an SC member, Multilateral Partner or any entity (other than an individual acting on his or her own behalf) which is, or has been, involved in OGP at the national or international level and in the country that is the subject of concern, (the "Subject") notify the SC or the SU that they believe that a Participating Country is acting in a manner that undermines OGP's values and principles, as expressed in the Declaration, in a way that demonstrates an egregious and blatant disregard for those values and principles, the SC and C&S, with the assistance of the SU, will review the conduct that is the subject of the concern (the "Concern") and agree on a course of action pursuant to the Response Policy (Addendum F).

If the Concern is found to have merit, and the Subject fails to resolve it, the SC will suspend the Subject from OGP under the terms of the Response Policy until the Concern is resolved to the satisfaction of the SC, or permanently, if the Subject fails to resolve the Concern within the timeframe set by the SC, in which case the Subject will cease to be a Participating Country.

As provided in Addendum E, a country that is suspended pursuant to the Response Policy will not be eligible to vote in SC elections, will only be allowed to attend OGP events as an observer for learning purposes, and will be designated as suspended on the OGP website and in all OGP public information materials concerning such country. Annual financial contributions owed to OGP pursuant to Article VI(B) will be due and payable during the period of suspension. Contributions paid to OGP covering the period of suspension will not be recoverable.

(g) Rapid Response Mechanism¹⁴

Should a situation arise in a Participating Country that, in the view of an SC member, a Multilateral Partner or any person or entity (other than an individual acting on his/her own behalf) who/which has been involved in OGP at the national or international level and in the Participating Country concerned, threatens to undermine OGP's values, as set out in the Declaration, and requires an immediate response either as a prelude or in lieu of action to be taken under Article II(B)(2)(d) and/or (e) above, such SC Member, Multilateral Partner or person/entity may submit a request to the SU for an immediate response from OGP (a "Rapid Response Request") in accordance with the provisions of Addendum G.

As provided in Addendum G, the SU will notify the GL of the request, undertake an initial review and notify the GL of its conclusions. If the SU determines that the request meets the criteria for a Rapid Response, the GL will form a Rapid Response Task Force (RRTF). If the request does not meet the criteria, the SU will notify the person/entity who submitted the request accordingly and the request will be considered closed.

¹³ **Previously approved change. No SC approval required.** The Response Policy was approved in the [September 2014 SC meeting](#), its mandate was extended in [July 2015](#) and it was updated once more in 2017 and approved in [September 2017](#).

¹⁴ **Previously approved change. No SC approval required.** The [Rapid Response Mechanism](#) was approved by circular in September 2018 once some of the comments and concerns raised by the full SC in their [July 2018](#) meeting were addressed.



The RRTF may dismiss the request or form an action plan to address the situation leading to the request, and will inform the SC of the course of action it has decided upon. If the RRTF forms an action plan, it will submit the plan to the SC for approval on a no-objection basis. If consensus on the action plan is not achieved, the action plan will go ahead only if a two-thirds majority of the SC votes in favor of the plan.

Once the SC approves an action plan, the RRTF will notify the filer of the Rapid Response Request and the subject of the request, of the plan, and, as necessary, request a response from the subject of the request.

III. GOVERNANCE STRUCTURE

A. STEERING COMMITTEE (SC)

(1) Composition

The SC is comprised of Participating Country government and Civil Society representatives and consists of 22 Members (11 from Participating Country governments and 11 from Civil Society), with parity maintained between the two constituencies. Upon nomination, each Civil Society member may designate an alternate Civil Society representative (a Second) to act as a member of the SC during the absence of the nominated Civil Society member from all or part of a meeting of the SC. Protocol for the appointment Seconds and their role is established by the Civil Society Chairs in coordination with the civil society members of the Steering Committee.¹⁵

(2) Selection of Members

The selection process for new members of the SC takes place once a year and is to be completed by October. The SU, with oversight from the Chairs, administers the process. It holds an open nominations process for Government and Civil Society representatives, with transparent and detailed criteria. For the purposes of selecting new SC members, OGP is divided into two constituencies; Government and Civil Society, and each constituency elects its own representatives.

(a) Government

Except as may be provided otherwise in accordance with the provisions of these Articles and accompanying Addenda (see Article II, B(d), (e) and (g) and Addenda E and G, all Participating Countries participate in the election of all government members of the SC. Voting is by secret ballot and proceeds according to procedures developed and distributed to Participating Countries by the SU. A third party, hired by the SU, administers the voting process.

¹⁵ **Change in practice - This item requires SC approval:** Civil Society Steering Committee members have named seconds for the last 4 years, but their [role and protocol for appointing seconds](#) was not formalized until 2018.



The SC will include a minimum of one, and a maximum of four, representatives from each of the four regions of the world (Africa, the Americas, Asia and Europe). If this minimum cannot be achieved for any region, the Government positions on the SC will be filled by the Government representatives having the highest number of votes, regardless of region. In such circumstances, priority for the Government positions will be assigned according to the number of votes that Government representatives achieve. If there is a tie, Participating Countries will vote between the tied candidates.

To be eligible to run for election, Participating Countries must have:

- improved or maintained their Eligibility Scores since submitting a letter of intent to join OGP;
- published all OGP-required documents (including but not limited to, their Action Plan) within four months of the agreed deadline for such documents, as set out in Article V below;
- acted in accordance with the Declaration;
- acted in accordance with OGP processes for the most recently completed Action Plan cycle (i.e. the country must not have acted Contrary to Process, as set out in Article II(B)(2)(d));¹⁶
- Paid their financial contribution to OGP, as set out in Article VI(B); and¹⁷
- Complied with the minimum participation and co-creation standards set out in Addendum C.

In addition to the above requirements, current government members of the SC running for re-election must have regularly attended and participated actively in meetings of the SC and the SC subcommittees with Ministerial-level participation.¹⁸

(b) Civil Society

The Civil Society Chairs coordinate the selection process for Civil Society members of the SC, including the establishment of a selection committee and procedures for its engagement.¹⁹

¹⁶ **Previously approved change. No SC approval required.** During its [September 20, 2017](#) meeting, the SC approved the update of the eligibility criteria for governments who wish to run for a seat in the SC.

¹⁷ **Previously approved change. No SC approval required.** This is an existing clause that has been moved from a separate section of the current [AoG](#).

¹⁸ **Previously approved change. No SC approval required.** During its September 20, 2017 meeting, the SC approved the update of the eligibility criteria for governments who wish to run for a seat in the SC.

¹⁹ **Change in practice - This item requires SC approval:** The language was simplified to reduce details within the main text of the AoG and reflect current practice. The protocols and procedures for the selection of Civil Society SC members has been reviewed and approved by the Civil Society Co-Chairs in 2018. Current version of the AoG states:

"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.



(3) Term of Membership

Members and alternate members serve for a term of three years and are eligible to serve for a maximum of two consecutive terms. SC members seeking a second term must be reelected to stay on the SC. Both the outgoing and incoming members are invited to attend the first SC meeting following the election of new members. **Should an SC member be elected to serve as Chair during the last year of its term, the term of such SC member will be automatically extended for an additional year to serve the mandated two-year Chair term.**²⁰

(4) Responsibilities of Membership

SC members are expected to demonstrate their commitment to OGP's principles 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.

Members of the SC will strive to avoid any actual or potential conflicts of interest and recuse themselves from making any decision where self-interest is involved. An external auditor will serve the role of ombudsman to handle any complaints and concerns related to the finances and budget execution of OGP by the SC and/or its members. The GL will handle all complaints concerning conflicts of interest related to any subcommittee or any member of any subcommittee, except for complaints concerning GL which will be handled by the SC.

(5) Chairmanship

(a) Four Chairs: Election and Rotation

SC leadership is comprised of a revolving four-member co-chairmanship team. The members of the SC elect the Chairs. The candidates receiving the most number of votes are elected. Participating Country governments and Civil Society members nominate themselves to become Chairs by making their nomination known to the GL.²¹

²⁰ Minor change proposal - **non-objection approval**: This is in line with current practice since 2015, but it was not spelled out in the current AoG.

²¹ Minor change proposal - **non-objection approval**: The language was simplified with substantive changes. Current version of the AoG states:

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.



The four chairs include a Lead Government Chair, an Incoming Government Chair, and two Civil Society Chairs, including a Lead Civil Society Chair and an Incoming Civil Society Chair. These four Chairs comprise the Governance and Leadership Subcommittee (GL). The Lead Government Chair and the Lead Civil Society Chair serve as the SC's Lead Chairs.²²

The Lead Chairs rotate on an annual basis, with each Chair serving a two-year term starting on October 1 of the year in which they are elected, and the first year as a Incoming chair for their respective constituencies.²³ The Incoming Government and Civil Society Chairs assume the role of Lead Chairs in their second year, when a new Incoming Government and Civil Society Chair are selected.

The Lead Government Chair and the Lead Civil Society Chair are expected to play an advisory role to their successor co-chairs during the year immediately following the cessation of their own chairmanship.

(b) Responsibilities

The Chairs' responsibilities include:

Leadership: Safeguarding the values and spirit of OGP, including promoting strategic collaboration and balance between Civil Society and governments and the accountability of government to its citizens to uphold OGP principles. Leadership also includes mobilizing resources and support for the Support Unit.

Organization: The Lead Chairs, in coordination with the SU, organize the Global OGP Summit and at least two SC meetings a year: one ministerial-level and one working-level. The Lead Chairs may also decide, at their discretion, to convene additional meetings of the SC, which may be in-person or virtual as the Lead Chairs decide in consultation with SC members.

Outreach: Building Civil Society and government participation in OGP by leveraging respective global and domestic networks. This includes facilitating the initial set-up of multilateral partnerships dedicated to open government.

²² **Change in practice - This item requires SC approval:** This clause outlines the current practice regarding the designation of the SC Co-chairs where there are two lead, and two incoming, chairs from each constituency. The previous AoG version states that:

SC leadership is to be comprised of a revolving four-member cochairmanship team, elected by the entire SC, including a lead government chair, a support (or incoming) government chair, and two civil society chairs.

²³ **Change in practice - This item requires SC approval:** The proposal simplifies the language and allows for certain flexibility, as the deadline is pushed to October. It also updates the process to the current election process. The previous AoG versions states that:

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.



The SC may invite a representative of each of OGP's Multilateral Partners to participate in one or more sessions of at least one SC meeting a year as Special Guests.

Subject to obtaining prior approval from the GL, members of the SC may invite others to attend SC meetings as Special Guests.

Special Guests may be invited to share their views with the meeting but cannot vote at SC meetings.

(11) Role and Functions

The SC is OGP's executive, decision-making body. Its role is to develop, promote and safeguard OGP's values, principles and interests. It also establishes OGP's core ideas, policies, and rules and oversees the functioning of the partnership.

As an executive body and through its subcommittees, the SC carries out the following functions, in addition to the functions identified elsewhere in these Articles:

- Provides leadership by example for OGP through its Participating Country government members in terms of their domestic commitments, Action Plan progress, and financial support of OGP, and their participation in the Global OGP Summit, OGP regional and thematic events, and other international opportunities to promote open government;
- Sets OGP's agenda and direction with principled commitment to the founding nature and goals of the initiative;
- Manages membership, including eligibility and participation;
- Conducts ongoing outreach with both governments and Civil Society;
- Appoints advocates for OGP to serve as OGP Ambassadors and Envoys;
- Provides support, including its Participating Country government and Civil Society members' intellectual and in-kind and human resource support to OGP;
- Appoints individuals to the International Experts Panel of the IRM;
- Appoints individuals to the OGP Board of Directors; and
- Reviews and provides input to the OGP budget.²⁴

B. STEERING COMMITTEE SUBCOMMITTEES

(1) General Role and Purpose

²⁴ **Change in practice - This item requires SC approval:** The language was updated to reflect current practices. The previous version states (items with changes highlighted):

- 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



The SC has three standing subcommittees to support its work, the Governance and Leadership Subcommittee (GL), the Criteria and Standards Subcommittee (C&S) and the Thematic Leadership Subcommittee (TLS). The C&S and the TLS each have two co-chairs, one Government and one Civil Society, selected by the GL. All three subcommittees carry out preliminary work to inform decisions taken by the SC. They make recommendations to the SC for decision, unless otherwise provided in these Articles or unless delegated to do otherwise by the SC. Each subcommittee is comprised of equal numbers of government and Civil Society representatives drawn from the SC. The SC may form additional subcommittees as needed.

(2) Governance and Leadership

The GL serves as the executive committee, comprising the four Chairs. It ensures continuous management of OGP, making decisions and keeping processes moving in a timely manner. The GL's functions include but are not limited to:

- Overseeing the Support Unit and the other subcommittees;
- Provides input regarding appointing the CEO and feedback regarding CEO performance the CEO;
- Providing strategic direction to the CEO;
- Working closely with the CEO to ensure that the SU has sufficient resources, and to present an annual budget to the SC for review;
- Consulting with the CEO on the annual OGP work plan and budget to be presented to the SC for review;
- Convening Rapid Response Mechanism Task Forces, as needed, pursuant to Article II(B)(2)(f);
- Consulting regularly between SC meetings and other OGP events to coordinate country outreach efforts, plan meetings, and otherwise further the interests of OGP.;
- Reviewing subcommittee membership and mandates annually to ensure the smooth functioning of the SC and an appropriate distribution of responsibilities; and
- Recommends to the SC individuals being considered for appointment to the Board of Directors
- Making logistical decisions between SC meetings such as, for example, on specific details related to the OGP Global Summit.²⁵

(3) Criteria and Standards

The C&S's functions include but are not limited to;

²⁵ **Change in practice - This item requires SC approval:** The language was updated to reflect the role of GL in line with current practices, and includes several changes on oversight and responsibilities based on the spinoff establishment of the OGP Board of Directors, and other decisions. Please review thoroughly. Current version states:

- 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.



- Working with the SU and the SC to review and resolve situations where a Participating Country appears to and/or has acted Contrary to Process and or the Response Policy under Article II(B)(2)(d) and (e);
- Overseeing the SU's process for updating Participating Countries' Eligibility Scores as provided for in Article IIB2(b) and Addendum A;
- Providing periodic assessments of all OGP's response mechanisms to the SC.
- Reviewing and updating OGP's policies and procedures; and
- Keep a watching brief on the IRM to report on how the program is fulfilling its mandate and delivering independent, high quality and accurate reports. C&S also provides input in the IRM's selection of the International Expert Panel (IEP) and the hiring of the IRM Program Director.²⁶

(4) Thematic Leadership

The TLS provides strategic oversight of OGP's strategy for advancing open government reform across priority themes, and works closely with the SU to execute efforts to scale thematic ambition across the Partnership. The main role of TLS members is to advance open government reforms at the country level, catalyze a global race-to-the-top across OGP, and identify frontier thematic priorities for OGP.

The TLS's functions include, but are not limited to:

- Promoting, encouraging and facilitating peer exchange mechanisms such as OGP regional events, webinars, thematic working groups, and the sharing of resource materials on the OGP website.
- Encouraging Governments and Civil Society to participate in peer learning and support activities, and to suggest the creation of new thematic partnerships to the SC.
- Encouraging TLS members to assume leadership roles in organizing TLS activities, particularly OGP outreach events in their own regions.
- Overseeing efforts to study and document OGP's results, for example through conducting case studies and impact research.

²⁶ **Change in practice - This item requires SC approval:** The language was updated to reflect the role of C&S in line with current practices and changes in rules (e.g. Response Policy). There are also tweaks to further clarify the C&S role vis-à-vis the IRM and eligibility criteria. The reference to developing guidelines for self-assessment reports has been removed as this is now done by the SU. The previous version states:

- *recommends to the SC the eligibility criteria for OGP governments and indicates to SC when there may be a need to update the criteria. (only language was updated)*
- *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.*



- Overseeing those aspects of OGP’s partnerships with its Multilateral Partners that promote peer exchange and learning.²⁷

C. SUPPORT UNIT AND CEO

(1) Support Unit

The Support Unit (SU) is OGP’s permanent secretariat and provides a secretariat function to all Participating Countries, and regular updates on OGP to all stakeholders.

The SU reports to the SC through the GL.

In addition to the SU duties and responsibilities identified elsewhere in these Articles of Governance, the SU’s functions include, but are not limited to:

- Developing and executing an annual OGP Work Plan in close coordination with the GL.
- Providing support to Participating Country governments to help connect them with the expertise, resources, and technology they need to develop and implement their Commitments. Such support may include helping Participating Country governments to partner with the Private Sector, Civil Society, academics, governments, and others to develop tools and frameworks in developing and implementing innovative and effective open government commitments.
- Serving as secretary to the SC and subcommittees meetings, and to the Summit.
- Maintaining OGP’s institutional contacts and memory and ensuring the continuity of relationships with institutional partners, and contributors.;
- Managing OGP’s brand and OGP’s external communications in close consultation with the GL;
- Preparing and publishing OGP’s annual report on the OGP website.
- Keeping track of all OGP documents, including the minutes of SC meetings, and of the Summit, and other related events, and publishing all minutes on the OGP website, in accordance with OGP’s disclosure policy, as set out in Addendum E.
- Annually updating countries’ Eligibility Scores in accordance with the metrics set out in Addendum A;
- Serving as a neutral, third-party between governments and Civil Society and ensuring that OGP maintains a productive balance between the two constituencies.
- Collaborating with and supporting C&S and the SC in the review and resolution of situations where a Participating Country appears to and/or has acted Contrary to Process and or the Response Policy under Article II(B)(2)(d) and (e) and Addendum E; and
- Undertaking reviews and coordinating with the GL pursuant to the Rapid Response Mechanism under Article II(B)(2)(f) and Addendum G and providing C&S with periodic assessments of the Rapid Response Mechanism.²⁸

²⁷ **Previously approved change. No SC approval required.** During its September 20, 2017 meeting, the SC approved the establishment and mandate of the Thematic Leadership Subcommittee.

²⁸ **Change in practice - This item requires SC approval:** The language was updated to reflect the role of the SU in line with current practices and changes in rules and capacity of the SU. The current version of the AoG make reference to a much smaller version of the SU during its early years of implementation. Please review. The current version of the AoG states:

The Support Unit provides a secretariat function for all participating countries and has the following responsibilities:

(2) CEO

The OGP Secretariat Board of Directors hires and oversees the CEO. The CEO heads the SU and reports to the SC through the GL. All SU staff report to the CEO. The CEO, and their designee from the SU, may speak on behalf of OGP, and has signature authority for OGP and the authority to authorize the commitment of OGP funds.²⁹

IV. OGP GLOBAL SUMMIT³⁰

A. Purpose

The Biannual OGP Global Summit (“Global Summit”), a meeting of all OGP stakeholders, is held every other year absent exceptional circumstances. It functions as OGP’s plenary meeting and provides a forum for OGP stakeholders to further OGP’s objectives and to exchange their experiences in promoting open government. To maintain maximum political will within governments, OGP aims to solicit participation from Participating Country governments’ Heads of State in the Global Summit. If the Head of State is not available, he or she should designate a senior member of the government to attend.

The Lead Chairs host the Global Summit. The date and location of the Global Summit is set in consultation with Support Unit and approved by GL.

B. Invitations

- *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.*

²⁹ **Minor change proposal - non-objection approval:** The text was updated to reflect the actual process of hiring the CEO. Prior to the establishment of OGP as a separate legal entity under D.C. law with its own Board of Directors, old Article IV provided that the GL would appoint the Executive Director. Consistent with the provisions of OGP’s founding documents as a legal entity under D.C. law, this new Article III(C)(2) provides that the Board of Directors of the new legal entity will appoint the CEO.

³⁰ **OGP Global Summit section revisions.** OGP’s practice with respect to who sets the Summit’s date, location and agenda has evolved considerably over the last few years from what is provided for in the AoG. In addition to reflecting the input of the GL and the SU in setting the date and location of the Summit, the update, in revised Article IV, reflects the current practice for including civil society. The procedures and protocols, including on development of the agenda, issuing invitations, participants, and other details regarding for the organization of Global Summits and other OGP events are outlined in a separate document currently undergoing review. This document is based on the guidelines approved by the SC at its [September 2014 meeting](#) and current practice.



to the SU Guidance, Action Plans may be updated based on ongoing consultations with Civil Society. All updates must be noted in the version of the Action Plan on the country's national website/webpage.

Every Participating Country must maintain an online updated repository on its national OGP website/webpage in accordance with IRM guidance.

Every Participating Country must publish an end-of-term self-assessment report after two years of Action Plan implementation. Such report must, assess the country's performance in meeting its Commitments according to the substance and timelines set out in its Action Plan, in accordance with OGP guidelines; be made publicly available in the local language and in English; and be published on the country's national website/webpage.³¹

B. Independent Reporting Mechanism (IRM)

As a complement to Participating Country governments' reports on their progress in developing and implementing their Action Plans, the IRM monitors and assess Participating Countries' progress. Addendum F, which constitutes the IRM Charter and serves as the IRM's governing document, details the policies and processes the IRM follows in undertaking such assessments.³²

VI. LEGAL STATUS AND FUNDING³³

A. Legal Status

OGP operates as an independent public charity as defined under US law and and the regulations of the US Internal Revenue Service. On April 1, 2018, OGP began operating as a not-for-profit organization in

³¹ **Previously approved change - No SC approval required.** During its [June 27-28 2017 meeting](#), the SC approved Procedural Review changes that outline the actions that are considered acting contrary to process and removed the late delivery of a Self-assessment report from this list.

³² **Change in practice - This item requires SC approval.** The language of this clause was updated to simplify the text, reflect current practices and changes in rules (such as the self-assessment reports rule mentioned above). The current version of the AoG states:

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.

³³ **Previously approved change. No SC approval required.** The independent legal status of the OGP Support unit was approved by the SC at its [September 2014 meeting](#). Reflecting OGP's origins as an entity housed with TIDES and subsumed under TIDES' legal identity, old Article VII refers to the SU being housed within another legal entity, having its bank account managed by such entity, and having a fiscal sponsor. It also provides for Participating Countries to make annual financial contributions. These provisions are out of date now that OGP has been established as an independent legal entity under the laws of the District of Columbia. This provision was revised to reflect OGP's new independent legal status and re-title the Article as Legal Status and Funding. The new Article (Article VI) includes references to the composition, role and functions of the new DC nonprofit entity. It also refers to Participating Countries' financial contributions as country contributions, in accordance with the terminology used in the new D.C. entity's foundational documents.



the District of Columbia. OGP's formal legal name is the Open Government Partnership Secretariat. The OGP Secretariat Board of Directors provides fiduciary and legal oversight over the SU and the IRM.

B. Funding

As a voluntary, multi-stakeholder initiative, OGP is funded through monetary support from Participating Countries and grants and contributions from other public and private donors. To cover the costs of meeting its responsibilities, OGP solicits voluntary financial and in-kind contributions.

OGP funds may be used for any activity falling within OGP's objectives, as set out in these Articles, and the budget and work plans approved by the SC, including, but not limited to, OGP's administration and governance costs, country-specific activities and multi-country activities.

All Participating Countries are expected and encouraged to make annual financial contributions to fund the SU and the IRM. Expected contribution levels are set out in the Participating Country Contribution Guidelines (PCCGs).

Absent exceptional circumstances, as determined by the SU in consultation with the GL, countries that have failed to make financial contributions to OGP at or above their minimum amount, as indicated in the PCCGs, for two successive years are ineligible to run for a seat on the SC or to participate in any formal vote of OGP participants. Exceptional circumstances, for these purposes, include a determination that legitimate reasons exist for a country's failure to contribute, and that the country's government is making a concerted effort to overcome them.

Failure to make a financial contribution will not result in the suspension of a country's membership in OGP or any of its committees, nor does it affect a country's right to participate in OGP events or to receive support or an IRM report.

OGP retains an external, independent auditor to conduct an annual audit of the SU and IRMs' financial statements. The auditor presents a written audit report and financial statements to the SC. OGP publishes the audited financial statements and reports on the OGP website.

VII. DISCLOSURE POLICY

OGP operates on a presumption of openness in all activities. The disclosure policy detailed in Addendum E applies to all information held by or on behalf of all OGP's governing bodies and should be interpreted to favor openness over secrecy to the greatest extent possible.

VIII. AMENDMENTS



From time to time, these Articles of Governance will be reviewed by the SC with the assistance of the SU. They may be amended by consensus vote of the SC.³⁴

³⁴ **Minor change proposal - non-objection approval:** Old Article IX provides that the SC will review the AoG annually. This does not accord with practice; the AoG were last updated in 2015. This provision was update to provide that the SC will review the AoG from time to time, retaining the current requirement that changes to the AoG must be agreed by consensus of the SC.



Annex III: OGP Rapid Response Mechanism (Approved by the OGP Steering Committee September 14, 2018)

About the Rapid Response Mechanism

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

I. Criteria for submitting a Rapid Response Request

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

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

II. Who may submit a Rapid Response Request?

A RR Request may be submitted by⁴⁵:

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

III. Contents of a Rapid Response Request

All Requests should include the following information:

- a. A description of the persons or entities filing the request⁴⁶;
- b. Information regarding the filer's activities or involvement in OGP at the local, national or international level;
- c. A description, or explanation, of the practices, or conduct, giving rise to the request and how they violate OGP values. *(Please provide as much detail as possible, including the date*

⁴⁵ The persons or entities identified are identical to those eligible to request a Response Policy, as established by the OGP Criteria and Standards Subcommittee in 2014.

⁴⁶ The filer(s) of a RR request may request anonymity in public documentation if the filer perceives any security concerns.



or time period of the conduct, the location of the conduct, and the persons or entities involved);⁴⁷

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

All Requests should be addressed to info@opengovtpartnership.org

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

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

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

- a. A RRTF will be set up immediately for each request that is approved through the initial assessment process outlined in Section IV of this document.⁴⁸
- b. The RRTF will consist of representatives of GL and key Support Unit staff. More specifically, it will include the Lead Government Co-Chair (can be replaced by incoming co-chair), Lead Civil Society Co-Chair (can be replaced by incoming co-chair), the OGP CEO (can be replaced by Deputy CEO), and OGP Chief Country Support (can be replaced by Deputy Country Support). In the case of any conflict of interest, actual, perceived, or potential, between an RRTF member and the subject and/or filer of the RR, such RRTF member will recuse him or herself from serving in the Task Force.⁴⁹
- c. Each government, from GL or appointed by GL to the RRTF, may determine the level of representative that it appoints to the RRTF.
- d. A quorum is three members, with at least one government and one civil society representative.⁵⁰
- e. Consensus will be sought for all RRTF decisions, but otherwise decisions will be taken by a two-thirds majority vote.
- f. One member of the RRTF should be identified as the Lead for each response. This can be done on a rotational basis or can be assigned based on the issue at hand.
- g. The RRTF may identify other SC, Support Unit or OGP partners whose expertise would be useful and requests them to join the Task Force.

⁴⁷ A rapid response can only be triggered with regard to countries that are active (not inactive due to a Procedural Review or suspended due to a Response Policy process).

⁴⁸ A dedicated instant messaging group should be set up and maintained by the Support Unit.

⁴⁹ Any replacements made to the membership of the RRTF will be determined by GL.

⁵⁰ If a RRTF member goes on leave, it is his or her responsibility to notify his/her back up or replacement and let the group know.



- h. The RRTF for each request should disband when the action plan linked to the request is completed (including if it is passed off to another OGP entity or process). The RRTF lead should notify all members of the RRTF, GL and the SU when a request is completed.

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

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

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

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

All reasonable resources will be available for the RRTF to execute its work.⁵¹

⁵¹ For the establishment phase of the Rapid Response mechanism in 2018, it is recommended that a Support Unit staff should be dedicated to the RR process and RRTF as a clear area of work responsibility. In addition, a budget line of US \$20k per annum should be secured to cover any necessary /immediate travel or actions as part of the Rapid Response process. This staff and funding allocation should be reviewed by management at regular intervals.



VIII. Communications across the Steering Committee and Partnership

- a. The RRTF will let the SC and SU know of its intended action plan no less than 24 hours before it is issued, and proceed on a no-objection basis.⁵²
- b. If consensus is not achieved, a two-thirds majority of the SC is needed for the action plan to go ahead. SC members that oppose the action plan may opt-out.⁵³
- c. The action plan will be issued by the RRTF (which includes key GL and Support Unit members) on behalf of the Partnership.
- d. When an OGP Rapid Response action plan is issued, the RRTF will notify the filer(s) of the Request, and if relevant ask the subject of the Request for a formal response.
- e. To the greatest extent possible, and consistent with the need to make adjustments to protect all parties involved, as determined by the RRTF, the RR process will be carried out in accordance with OGP's Disclosure Policy. This means that Requests, Acknowledgements, and Action Plans will be available in a dedicated section of the OGP website.

IX. Review and learning

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

⁵² In instances where it is not possible to issue an action plan within the 7 day period, the CEO and Senior Support Unit team will determine whether they are in a position to provide a response/action plan.

⁵³ This follows the same practice as the OGP Response Policy.



Annex IV. Potential 2019 OGP Summit Deliverables

Scope	Inclusion	Participation	Impact
All OGP member countries	<ul style="list-style-type: none"> Commit to include new voices in open government consultations Encourage gender analysis across all new Action Plan commitments 	<ul style="list-style-type: none"> Establish Multi-Stakeholder Forums on Open Government in line with OGP requirements 	<ul style="list-style-type: none"> Identify impact indicators for all new Action Plan commitments Contribute impact stories from the citizen's perspective to the OGP storytelling campaign
Coalitions of willing OGP members	<ul style="list-style-type: none"> Release new disaggregated data on gender inclusion Make inclusion commitments in future Action Plans Establish coalition of governments and civil society partners championing gender and inclusion 	<ul style="list-style-type: none"> Establish coalitions of governments and civil society partners championing open civic space Launch youth advisory councils 	<ul style="list-style-type: none"> Showcase use of indicators for Action Plan commitments Convene cross-sector dialogue on open data for private sector growth
Steering Committee members	<ul style="list-style-type: none"> Encourage underrepresented voices in open government work to enhance inclusion 	<ul style="list-style-type: none"> Identify and showcase best practices in managing Multi-Stakeholder Forums to add to OGP toolkit 	<ul style="list-style-type: none"> Launch new public tracker of actions taken by the Steering Committee in support of OGP
Individual OGP members	<ul style="list-style-type: none"> Develop model commitments on inclusion ★ Apply toolkit on gender and inclusion analysis to Action Plan commitments ★ 	<ul style="list-style-type: none"> Share frameworks for assessing algorithmic impact to enhance responsibility and transparency ★ Identify, create and disseminate new co-creation tools and methods 	<ul style="list-style-type: none"> Advance research on impact of open government reforms – work with OECD, World Bank ★ Develop model commitments on client-centered and accountable public service delivery
Support Unit Third parties	<ul style="list-style-type: none"> Fund research to support gender and inclusion efforts – work with IDRC ★ Make accessibility tools more readily available to support open government 	<ul style="list-style-type: none"> Launch storytelling campaign focused on best practices for inclusive participation (e.g., working to include Indigenous perspectives) ★ Disseminate tools for deliberative dialogue ★ 	<ul style="list-style-type: none"> Launch OGPx to support sustainable, scalable participation from subnational governments ★ Launch State of Open Government Report ★

★ = deliverable underway