

Criteria and Standards/Governance and Leadership
Joint Sub-Committee Meeting
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London, UK

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Introduction: The primary purpose of the two day meeting in London was to finalize the proposal for the Steering Committee on the structure and the mandate for the Independent Reporting Mechanism. Additionally participants discussed the development of OGP's strategic plan, brand & communications, and staffing of the Support Unit. The meeting was open to all representatives of the Steering Committee, with particular emphasis on the members of the sub-committee on Governance and Leadership and the sub-committee on Criteria and Standards.

Executive Summary

The Independent Reporting Mechanism (IRM)

International Expert Panel

The IRM will be overseen by an International Expert Panel (IEP) that is selected by—but independent from—the OGP Steering Committee. The IEP will contain a balance of people who are well known internationally as well as high quality academics or policy experts that can be expected to put in a substantial amount of work. The panel will be made of 8 people: 5 "technical experts" and 3 persons with international prestige who are known advocates for democracy, open government, human rights, etc. The Support Unit will begin the call for applications and nominations for the IEP as soon as agreed by the full SC.

Local Researchers

In order to carry out the work of the IRM, the Independent Panel of Experts will select local researchers in each country. Selection will be based on the criteria of independence, neutrality, and a background in academia or public policy work, as well as the ability to balance and gather information from multiple stakeholders. Whenever possible, local researchers will be selected from the country being assessed, but the Criteria and Standards committee recognizes that this may not always be the best option. Dissemination of the call for applicants and nomination of applicants will be done by a variety of means, including by governments, networks and partnerships with universities. The final selection of local researchers will be determined by the IRM Project Manager under the guidance of the International Expert Panel.

Timing of Report Production and Dissemination for Governments and the IRM

Governments will produce a progress report (or “self-assessment”) on their action plans annually. The IRM report will be produced on a 12-24 month cycle, depending on the length of implementation outlined in each country action plan. Countries with action plans longer than 2 years will be measured every 24 months at minimum. Governments should publish their first progress report within three months of completing the first 12 months of action plan implementation. IRM reports will be published within 4 months of each country’s 12-24 month implementation cycle. The government report will be published first, so that local researchers can use the self-assessment as a foundational resource for the independent assessment. Local researchers can and should begin their research before the publication of the government report. Researchers will be asked to wait to interview government officials until the government report comes out, so as to avoid duplication of effort and allow for the most comprehensive input possible for the subsequent IRM report.

Content and Mandate of the IRM report

The IRM will provide feedback on country action plans in three categories:

- The extent to which the country action plan reflects the values and principles articulated in the OGP Declaration of Principles and stated values
- The extent to which the development of the country action plan was consistent with the OGP road map (e.g. civil society consultation);
- Progress on implementing commitments outlined in the country action plan.

In the spirit of supporting governments in the implementation and fulfillment of their plans, the IRM report will contain specific recommendations on the process for developing and implementing stated OGP commitments. The recommendations will not extend beyond the commitments articulated in the OGP action plan, the process that took place to develop them, and may address contextual factors impacting the achievement of specific commitments.

The IEP will also produce an annual summary report that identifies over-arching themes and/or best practices pulled from OGP governments.

The IRM Project Manager

A project manager (PM) will be hired to support the International Panel of Experts and the overall IRM process. The PM will be housed within the Support Unit and will report to the IEP, specifically to a person on that panel designated as the IEP chair or coordinator. While the Project Manager will not have a reporting relationship to the director of the Support Unit and the sub-committee on criteria and standards, he/she will maintain a strong working relationship with both in order to keep the support unit and the steering committee informed of the progress. The group also noted the likely need for an additional support person for the IRM project manager to make the workload feasible.

Strategy Session

Participants supported the strategy document produced at the meeting. There was consensus that it needed to do more to support the core OGP proposition; helping countries develop and implement their action plans. Participants also agreed that the next version of the strategy document should lay out a detailed plan for multi-lateral engagement and cooperation as well as a methodology to gather and produce case studies that support government innovators in their effort to bring greater transparency to their own governments. A working group was formed to further develop a two year strategic plan, to be finalized by the steering committee on July 1st.

OGP's Strategic Plan, Brand, Communications and Staffing of the Support Unit

The OGP Support Unit procured an internationally known branding expert to facilitate a branding workshop. John Caswell, from Group partners, accepted to deliver the session free of charges. The session focused on brainstorming and identifying the OGP fundamental aims and objectives to start developing a brand concept. Photographs and narrative from the three hour session will be circulated and made available to all SC members.

After a morning session on branding, the group discussed OGP's strategic plan and theory of change. Participants agreed to combine several documents presented at the meeting and present a proposed strategic plan, including a staffing plan for the OGP support unit, to the Steering Committee for adoption by July 1st. This work would be carried out by an ad hoc group created in the Steering Committee to draft the proposed strategic plan.

Given the amount of work facing the Steering Committee and the Support Unit, participants discussed the need for additional staffing related to the IRM and communications. The Support Unit will introduce more structured program management and information systems to help manage the flow of information between itself and the Steering Committee.

Meeting participants also discussed the importance of harnessing and spotlighting open government best practices that are emerging from cities and municipalities. While OGP's current focus is on national commitments, an ad hoc group or the Steering Committee

will begin to reach out to cities and assess best ways for future engagement in OGP. The OGP Support Unit will also develop case studies from cities for sharing on OGP virtual and in-person platforms.

Outcomes:

- The co-chairs will request volunteers for an ad hoc strategy working group of the Steering Committee, to discuss and finalize OGP’s strategic plan, communications, and staffing. This working group will finalize and propose a two year strategy for OGP to the full Steering Committee no later than July 1st.
- The strategy produced will focus on but not be limited to: the ‘core offering’ of participating in OGP as well as a strategy for multi-lateral engagement.
- The Criteria and Standards Committee will initiate an open call for nominations for the up to ten-member International Expert Panel.
- The Governance and Leadership sub-committee, with the Support Unit, will begin a series of work-streams on OGP’s branding and communications, following the visioning exercise started in London.
- The Support Unit will have an Acting Director from July to September while the Director is on maternity leave.

Detailed Meeting Notes

Discussion on the IRM and Key Questions

The non-negotiables in the relationship between the IEP, OGP SC, PM, and local researchers.

Participants expressed concerns that the selection of the local researcher could in some cases lead to researchers who had an existing bias, conflicts of interest, or were politically motivated. Participants noted that they had the opportunity to lessen this risk by generating criteria that ensured independence, neutrality and high quality. Participants agreed to emphasize neutrality in the criteria and remove the term ‘journalist’ from illustrative professions.

Participants questioned the need for language requirements. Currently the criteria ask all local researchers to be fluent in English and a local language. Participants agreed that there is a current slant towards English based on the current makeup of countries. Other participants noted that this is a best case scenario and if we find someone who is great but not fluent in English they could still be selected. The requirement should also take into account the fact that it would be helpful if the local researcher has grassroots experience and knowledge of at least one indigenous language so that the researcher is able to deal with matters across class and geography.

Participants noted that the IEP should be exhaustive in their search for local researchers who can meet the criteria, although the sub-committee recognizes that there may be

instances where a researcher that meets all the criteria, like being fluent in English, will be difficult to identify. There will be enough flexibility within the criteria to allow the IEP to use their best judgment. There is however no flexibility in ensuring the person selected is a neutral party.

Governments will not be able to veto the selection of a local researcher. Nonetheless, they should help publicize the call for applications and be encouraged to nominate researchers alongside civil society, academia and other stakeholders.

The International Expert Panel

All participants recognized that there was significant work to produce 55 government reports and ensure a standard of quality and consistency that gives the reports and the OGP legitimacy.

One proposal was to constitute a ‘minimalist’ IEP, where the IEP would include 5 members of significant notoriety that would provide high-level engagement, but the IRM work would primarily be done by a larger project management team. The persons of significant notoriety (i.e. the luminaries) would in theory ensure high quality because their names and their reputations would be attached to the report.

Another proposal was of a ‘maximalist’ IEP which would include 5 members that are well-respected academics or policy experts (i.e. the technical experts). The technical experts would be able to work, edit, and identify gaps in the report, in tandem with a smaller project management team. Participants believed the technical experts are necessary for the IEP as they can engage at a higher level than a project manager, and also ensure that there are genuine independent experts overseeing the effort, rather than a working-level project management team based out of the Support Unit.

Participants ultimately agreed that an enlarged International Expert Panel featuring no less than 5 technical experts and between 3 luminaries (eminent Persons) would be preferable, along with an IRM project management (PM). The possibility of hiring a person to assist in the work of the PM was also considered, contingent to the availability of budget/resources. While the technical experts will be paid honorariums for their substantial work, the ‘luminaries’ (eminent persons) would not be paid. They would be encouraged to engage due to their beliefs in the cause and eagerness to lend their stature to it. This approach of 5 paid technical experts along with luminaries and a small project management team will require additional funds, and the group agreed to rework the budget accordingly.

The enlarged IEP should be regionally diverse and have experts and luminaries with expertise in different parts of the world.

The criteria for appointing the technical experts was largely agreed upon based on the ‘IEP document’ presented by the Criteria and Standards Subcommittee. However some

participants were still concerned that the required 10 years of experience could be a barrier, and so more flexibility should be introduced.

The IEP would be appointed by the Steering Committee upon the recommendation of the Criteria and Standards Subcommittee after an open, public international nominations process, if a member of the IEP becomes less active, is not fulfilling his/her obligations, or drops out, a new member shall be recommended by the Criteria and Standards Committee and appointed by the Steering Committee.

Timeline and Sequencing for the Reports

Participants first clarified the number of reports that will be produced- a government self-assessment report, and a report from the IEP.

It was agreed that governments could include opinions of civil society in their self-assessment reports at their own discretion, adopting, for example, similar procedures to the African Peer Review Mechanism (APRM). The IRM report will build off the government report and also draw on independent civil society monitoring reports or analysis when available.

Participants also discussed the sequencing of the government self-assessment report publication and the IRM report publication. If the IRM follows the government report then it may appear adversarial or be viewed as a rebuttal to the government's own assessment. Other participants noted that it would undermine the transparency of the OGP if a government report was completed and then held until the IRM report was released. Ultimately participants agreed that the legitimacy of the IRM report will be derived from the process, a process that should allow for a government report to be produced and released before the publication of the IRM report, and that enables the IRM report to draw upon the government report as one of numerous inputs, and not as the main reference point for its assessment.

Participants expressed concerns about the reporting cycle, as an annual IRM reporting cycle might not allow governments to absorb the information produced by the IRM before drafting their next Country Action Plan. Participants determined that the IRM reporting cycle should be largely determined by the timeline for implementation outlined in each country Action Plan, although each national action plan should be assessed at a minimum every two years by the IRM. Participants agreed to a reporting cycle that has flexibility between 12-24 months. However governments will be required to produce a progress report assessing their own implementation performance on an annual basis.

Participants agreed upon a 2-3 month timeline for governments to conduct their own progress reports (self-assessment reports).

Participants were concerned about the length of time needed to produce an IRM report. The subcommittee recommended 16 weeks for the IRM report production, beginning

after the publication of the government report. Participants felt anything longer than sixteen weeks would make the publication of the report less relevant as much of the information in the report might have changed. However, the group noted that research for the IRM report would not need to wait until the Government self-assessment report was produced, but would incorporate government inputs after that report was published. There was still some concern that 16 weeks might be too little time to produce a final IRM report, but that was the goal participants agreed to start with.

Substance of the Report and Mandate of the IRM

Participants agreed that while the government self-assessment report and the IRM report may address different issues, they have to be comparable by the OGP community and thus the core of both reports should be compiled using the same categories. .

Participants discussed four key principles, which were initially proposed by the Criteria and Standards sub-committee as defining the mandate of the IRM:

1. The degree to which OGP governments are following OGP process requirements and guidance in the development (and implementation) of their plan.
2. The extent to which the plan reflects OGP principles and values
3. The progress made on the implementation of commitments, according to milestones laid out by the government in its national action plan.
4. The recommendations in relation to how the country can better realize the values and principles of OGP.

The four principles should not be an effort to make the IRM more expansive, but to measure countries against what they themselves agreed to do in their country action plans. The OGP's core guiding documents are the roadmap and the declaration of principles. The IRM therefore will rely on the country action plan, the roadmap, and the declaration of principles to assess countries precisely because the OGP is about putting principles to action.

Some participants raised the concern about commitments that have nothing to do with the OGP principles or openness. Participants noted that the OGP support unit and co-chairs should ideally reach out to these countries to try and address this issue long before the IRM produces a report.

The final proposed bullet asked if the IEP should make recommendations in their report. Many of the participants were concerned that the recommendations should not go beyond the 4 principles above, in particular scope of what governments committed to in their action plans and in the declaration of principles. Participants agreed that recommendations should be technical in nature and only relate to the process for developing an action plan and the implementation of the action plan. Recommendations that are not factually based would undermine the overall quality of the report and damage the credibility of the IRM. Recommendations should be kept to a maximum of 1 page of

the overall report. The report itself will likely be between 15-30 pages depending on the number of commitments identified by each country.

Participants also made it clear that governments would not be expected to implement recommendations. The recommendations should be designed to help a country achieve its goals and lead governments towards best practices. Thus it is in the government interest to examine the recommendations carefully, especially as the identification of serious performance issues or process weaknesses for three cycles in a row could ultimately impact a government's participation in OGP. Participants also observed that researchers should be encouraged to review existing applicable international reporting in developing IRM reports (i.e. from other treaty bodies such as UNCAC).

The group also agreed that the IRM should produce an annual summary report that identifies over-arching themes and/or best practices within the 55 participating governments. This would be a separate thematic report and should be added to the mandate of the IRM. This would also inform the work and activities of the Peer learning and Support Sub-committee.

Administrative Structure for the IRM and its Project Manager

Participants agreed that logistically it would make most sense for the IRM project manager to be based within the OGP support unit, as this would leverage the connections the support unit has made to move the reporting process, as well as its integral relationship with the OGP Steering Committee and key sub-committees. There would also be significantly greater overhead costs to housing the IRM at a third-party institution or a university, as well as major start-up delays.

There could be an optical challenge for the IRM to retain its independence if it is housed within the Support Unit. Participants agreed that ultimately the independence of the IRM is guaranteed by the quality and stature of the IEP, and not necessarily by where the project manager is housed. The project manager will report directly to the IEP and not to the director of the Support Unit or the Steering Committee, which should ensure their independence. At the same time, having the project manager within the Support Unit will ensure a stronger relationship between the IRM and OGP and continuous flow of information, especially to the Criteria and Standards Sub-group.

Strategy Session

Sub-committees participants agreed to insert in the two days meeting agenda a discussion on the OGP Strategy: there was a general consensus that the OGP Steering Committee should agree approaches and plans in a number of areas, in particular now that the initiative has expanded so greatly. The paper presented proposals going forward, including a theme of "productivity and participation".

Participants agreed with many of its suggestions and action points. Participants noted that the strategy document should focus more on how OGP fits with outside organizations as

well as how to enhance the core of OGP's mission. In particular, participants wanted to see more language around how the support unit works with and engages countries around their action plans. Participants suggested to redraft the document with two headings: 1) strengthening the core of OGP and 2) maintaining vibrancy.

Participants encouraged the OGP support unit to continue to reach out to international organizations like OECD, World Bank, IDB, etc. The sub-group noted that the OECD had expressed strong interest to advance open government as part of the Deauville partnership to respond to the Arab Spring. Participants encouraged OGP members to reach out directly via the boards of relevant international bodies as many OGP participants sit on those boards. Additionally the Support Unit should keep a register of which OGP participants have reached to, or are taking a lead within other international bodies to ensure close communication. International institutions should also do a better job of communicating with the OGP, in particular when they would like to use the OGP label.

OGP is an attractive proposition to governments in transition, and participants sought to determine how the OGP can engage these countries better. OGP should continue to highlight and participate in events that can serve as a platform for OGP's principles. A lot of thought needs to be given as to how OGP can help countries in transition reach the eligibility criteria.

Participants agreed that OGP should continue to support and push for forward thinking policies around the millennium development goals, and open data standards. The US and India are currently working on open data standard and although this is separate from OGP it could be incorporated in the future.

Participants agreed to flesh out what OGP could do to support engagement with relevant multi-stakeholder initiatives in the transparency field (e.g. EITI, IATI, Rio+20, and COST). In practice, this will mean cooperation between ministries, information sharing and sharing power of the networks.

The degree to which OGP governments can leverage their government for the cause of open government will be key to the international reach-out of OGP. For example, liaising with the boards of OECD, African Development Bank, Asian Development Bank where countries have board seats; liaising with countries' representatives to international initiatives for example the international aid transparency initiative etc.

Participants agreed that OGP needs to promote learning and information exchange between countries. It should be a core component of OGP strategy. OGP needs to identify examples that help domestic government innovators 'sell' open government policies and programs back to their governments. OGP needs to do a much better job stating and clarifying its value proposition or why 'countries should join.'

Theory of Change

Participants discussed how best to articulate OGP's theory of change. Participants noted that an OGP theory of change needs to identify how to generate change both domestically within participating governments and internationally.

There was a general agreement to table the theory of change document and begin working on a strategic plan that 1) spells out the core business case and maturity plan for OGP; 2) identifies the key tools and activities to achieve our mission; and 3) outlines the specific steps the OGP will take to achieve its vision over the next 24 months. The strategic plan should also look at what the messaging and the digital strategy should be, and include a revamped budget that takes additional staff and program costs into account.

An ad-hoc SC strategy working group will prepare a draft strategic plan to be reviewed by the OGP Steering Committee. This group will finalize the document by mid-June for approval and endorsement by the OGP Steering Committee no later than July 1st. A draft for the working group will be finalized before June 15th.

Once the plan has been approved by the Steering Committee, the Support Unit and relevant SC members will begin sharing with external donors to identify the necessary sources of additional support to implement the plan.

Discussion on Support Unit

Because of personnel matters, the Support Unit will be in a period of transition from June to September 2012. The Director of the Support Unit will be taking maternity leave from mid-June to mid-September, and then coming back part-time as Senior Advisor mid-September to December. The Director also noted that personal matters may lead her to step down from the Support Unit in early 2013. Participants discussed a staffing plan that would provide a stop-gap during the next several months while more permanent staffing is set into place.

Participants also discussed additional staffing needs. The online media manager position is now vacant and needs to be filled. Participants agreed that there needs to be a position that is focused on communications and sourcing content including but not limited to formal press releases, messaging and communication across digital platforms. There is an additional position required that is responsible for building out the digital architecture—turning the website into a digital platform that allows users to find and easily access information, as well as allow governments to maintain and update their commitments.

Participants agreed that there is an immediate need to appoint a new full time director, a PM for the IRM, a person for communications and a person for digital web production. In addition the 2-year strategy should also consider budget for a program assistant to support the IRM program manager, and possibly a program assistant for the Support Unit.

Participants agreed that a member of the Support Unit should spend significant time in London alongside the co-chair in order to facilitate communication and ensure a stronger working relationship between the Support Unit and the co-chairs. The support unit and

the co-chairs will work to determine costs associated and timing of the travel, as well as identifying a suitable working location for the London-based work, to ensure proximity, but also autonomy, from the UK Co-chairmanship.

Participants suggested that the SU do more to cultivate fellows, short term individuals who are currently working in the transparency community. Fellows would be a great way to get people more engaged, especially if they come from civil society and from governments where it has been difficult to engage.

The mandate of the Support Unit should also be clarified. Work and communication from the Support Unit to Steering Committee has been ad-hoc to date. Participants suggested that the SU begin having a regular bi-monthly call with the co-chairs, with an action and risk log circulated every two weeks. There should also be more regular formal communication between the co-chairs and the rest of the Steering Committee. The Steering Committee may participate in the bi-monthly calls based on the agenda and their interest.

At a minimum, the notes from the call should go out to all SC participants to keep them engaged. Check-ins from the co-chairs and the Support Unit to other participants of the Steering Committee should be increased.

Participants also discussed whether the current sub-committee structure still works, and how the Support Unit should be supporting them. The onus on the work should be on the sub-committee participants, but the Support unit should maintain responsibility for managing the overall workflow, disseminating documents and information, and keeping everyone informed as it is at present. This includes the Support Unit being responsible for scheduling sub-committee calls, taking notes on them and collecting deliverables from sub-committee members.

The Support Unit should look into the support arrangements of other organizations, like ASEAN, and examine them as a best practice for its structure.

Cities and OGP

The Support Unit noted that numerous mayors and regional governments from around the world have contacted OGP about how to get involved and implement OGP at the city/regional level.

Participants agreed that cities have a tremendous amount of information and innovation to share with OGP and participating governments.

While some participants noted that working with cities is the quickest route to building up a database of evidence and cases that will help sell the brand of OGP and spur the Open Government community, others expressed concerns about dividing our attention between developing a new cities initiatives and continuing to build the core of OGP.

Additionally, participants also enumerated a number of challenges that would need to be considered before the relationship with cities/sub-national entities was formalized such as: working with cities whose national governments are not yet participating in OGP; opposition mayors potentially using the OGP to embarrass the national government or other governmental branches within their country; as well as managing delegations at OGP events.

Participants agreed that an ad-hoc working group would begin reaching out to cities to gather best practices and begin the discussion on how cities would like to work with or within the OGP. At the March meeting this core group of cities would be welcomed to present and share the work they are doing on Open Government as well as suggest a way forward.

Participants also suggested identifying civil society organizations such as civic commons, private sector organizations that are working with cities and making them part of the working group.