



Mongolia: 2014-2016 End-of-Term Report

Mongolia's first action plan was highly ambitious with nearly half of the plan's commitments considered potentially transformative. By the end of its implementation, the government achieved important progress in environmental transparency, public access to budgetary information, and crime mapping. Nonetheless, most commitments remain unfulfilled. Mongolia's second action plan presents an opportunity to complete pending commitments and expand open government to new areas such as education, health, and media.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The IRM carries out a biannual review of the activities of each OGP-participating country. This report summarizes the results from July 2015 to June 2016, the second year of implementing Mongolia's first action plan.

Mongolia developed its first action plan between March 2013 and May 2014. The Cabinet Secretariat coordinates the OGP process and commitments in Mongolia. In November 2013, the Cabinet Secretariat created an OGP National Council comprised of government ministries and some civil society organisations. Civil society groups were involved in the development and implementation of the action plan. The government submitted its end-of-term self-assessment report in February 2017.

Table 1: At a Glance

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		Midterm	End-of-term
Number of commitments		21	
Level of completion (milestones)			
Completed		1	3
Substantial		4	6
Limited		10	6
Not started		6	6
Number of commitments with:			
Clear relevance to OGP values		18	
Transformative potential impact		9	
Substantial or complete implementation		5	9
All three (🌟)		2	3
Did it open government?	Major	N/A	3
	Outstanding	N/A	0
Moving forward			
Number of commitments carried over to the next action plan		7	

On 7 June 2016, the OGP National Council approved Mongolia's second action plan. It contains thirteen commitments within the framework of four OGP grand challenges—improving public services, increasing public integrity, more effectively managing public resources and increasing corporate accountability. Seven commitments from the first plan are carried over and expanded in the second plan, which also addresses new issue areas such as education, health, and media.

Consultation with civil society during implementation

Countries participating in OGP follow a process for consultation during the development and implementation of their OGP action plan. Civil society organisations and citizens actively participated during the development of Mongolia's first action plan. The president of Mongolia led an open discussion on the draft plan at the Citizens' Hall in August 2013. Participants included the Open Society Forum, Center for Citizens' Alliance, Disaster Studies Center, Democracy Education Center, Environmental Civic Council and Huvsgul Lake Movement. A working group composed of both government and civil society representatives received comments and suggestions afterward. Additional discussions were held at the provincial level. Though citizens were not consulted on the final version of the plan, which did not match CSOs expectations, citizens overall were actively involved in the development of the plan.

In contrast, there was no clear mechanism for the government to consult citizens during the implementation of Mongolia's first action plan. Transparency International Mongolia organised a meeting on Mongolia's OGP process on 15 January 2015. The Secretary General of the OGP National Council attended on behalf of the government and gave a presentation about how government authorities implemented the plan's commitments in 2014. However, the IRM researchers do not consider this to meet the OGP requirement for a regular, multi-stakeholder forum for ongoing consultation on commitment implementation.¹

The OGP National Council, which includes government ministries and CSOs, did not undertake this role either. In October 2015, the Prime Minister of Mongolia reorganised the Council's composition through Directive #207. The Council met in February 2016 to discuss the first action plan, the self-assessment report, the IRM Progress report, and the draft of the second action plan. However, this was the Council's only meeting after approving the first action plan. According to the final version of the second action plan, the government acknowledged that the Cabinet Secretariat plans to form a working group with broad participation that could serve as a multi-stakeholder forum for monitoring the implementation of the second plan.

Table 2: Action Plan Consultation Process

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the government meet this requirement
During Implementation	Regular forum for consultation during implementation?	No
	Consultations: Open or Invitation-only?	N/A
	Consultations on IAP2 spectrum	N/A

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

Progress in commitment implementation

All indicators and methods used in the IRM research can be found in the IRM Procedures Manual, available at (<http://www.opengovpartnership.org/about/about-irm>). One measure deserves further explanation, due to its particular interest for readers and usefulness for encouraging a race to the top between OGP-participating countries: the “starred commitment” (★). Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

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

Based on these criteria, at the midterm report, Mongolia's first action plan contained two starred commitments. At the end of term, based on changes in the level of completion, the action plan contained three starred commitments:

- *Commitment 3.3.1.3: Transparent account system*
- *Commitment 3.3.1.7: Foreign loan assistance projects*
- *Commitment 3.3.1.6: List of mandatory public environmental information*

Commitments assessed as star commitments in the midterm report can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation cycle.

Lastly, the graphs in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for Mongolia, see the OGP Explorer at www.opengovpartnership.org/explorer.

About “Did it Open Government?”

Often, OGP commitments are vaguely worded or not clearly related to opening government, but they actually achieve significant political reforms. Other times, commitments with significant progress may appear relevant and ambitious, but fail to open government. In an attempt to capture these subtleties and, more importantly, actual changes in government practice, the IRM introduced a new variable ‘did it open government?’ in End-of-Term Reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment's implementation. This can be contrasted to the IRM's “Starred commitments” which describe *potential* impact.

IRM Researchers assess the “Did it open government?” for each of the OGP values that a commitment is relevant to. It asks, did it stretch the government practice beyond business as usual? The scale for assessment is as follows:

- **Worsened:** worsens government openness as a result of the measures taken by commitment.
- **Did not change:** did not change status quo of government practice.
- **Marginal:** some change, but minor in terms of its impact over level of openness.
- **Major:** a step forward for government openness in the relevant policy area, but remains limited in scope or scale.
- **Outstanding:** a reform that has transformed ‘business as usual’ in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM End-of-Term Reports are prepared only a few months after the implementation cycle is completed. The variable focus on outcomes that can be observed on government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

General overview of commitments

As part of OGP, countries are required to make commitments in a two-year action plan. End of term reports assess an additional metric, 'did it open government?' The tables below summarize the completion level at the end of term and progress on this metric. Note for commitments that were already complete at the midterm, only an analysis of 'did it open government?' is provided. For additional information on previously completed commitments, please see Mongolia's previous IRM midterm report.

Administrative challenges due to government changes and political campaigns concerning the Parliamentary election in June 2016 negatively impacted the implementation of the commitments. Additionally, differences exist between the Mongolian version of the commitments (www.zasag.mn/tunshlel) and its English translation on the OGP website (www.opengovpartnership.org/country/mongolia). Government officials did not provide an explanation for these differences. However, for the most part, the differences were minor and did not affect the assessment.

Mongolia's first action plan consists of 21 commitments. The IRM staff and the researchers clustered the plan into seven thematic groups to facilitate the analysis:

- Group 1: Improving Information Transparency
- Group 2: Budget and Financial Transparency
- Group 3: Transparency of Natural Resources Use
- Group 4: Increasing Civic Participation
- Group 5: Improving Public Services
- Group 6: Improving Law Enforcement
- Group 7: Increasing Public Integrity

Table 3. Overview: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP value relevance (as written)				Potential Impact				Com-pletion		Midterm		Did it open government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed					
																	End-of-term				
Group 1: Improving Information Transparency																					
3.3.1.1: National Information Transparency Committee and Information Commissary			✓		✓		✓				✓			✓				✓			
														✓							
3.3.1.2: “Citizen-targeted” performance indicators		✓			✓	✓	✓			✓			✓					✓			
													✓								
Group 2: Budget and Financial Transparency																					
✚ 3.3.1.3: Transparent account system				✓	✓		✓	✓				✓				✓				✓	
✚ 3.3.1.7: Foreign loan assistance projects				✓	✓							✓		✓					✓		
3.3.1.8: Procurement contracts above 80 million MNT				✓	✓						✓					✓			✓		
																✓					
Group 3: Transparency of Natural Resources Use																					
3.3.1.4: Minerals, oil, and land tenure database			✓		✓			✓				✓		✓					✓		
														✓							
3.3.1.5: Transparency in use of public-owned resources				✓	✓						✓			✓					✓		
✚3.3.1.6: List of mandatory public environmental information				✓	✓						✓					✓				✓	
Group 4: Increasing Civic Participation																					
3.3.2.1: Civic engagement in public service planning			✓			✓		✓			✓			✓					✓		
																✓					
3.3.2.6: II-II				✓	✓	✓	✓	✓			✓					✓			✓		

Center and data system for petitions																				
3.3.3.5: Regulation to repeal decisions made without due participation				✓				✓	✓						✓				✓	
3.3.3.7: Legal knowledge capacity-building			✓					✓	✓					✓					✓	
Group 5: Improving Public Services																				
3.3.2.2: Launch Smart Government e-public services program				✓				✓						✓					✓	
3.3.2.3: Single access public service			✓					Unclear relevance					✓						✓	
3.3.2.4: One window public service				✓				Unclear relevance					✓						✓	
3.3.2.5: Increase number of local public service online machines					✓			✓					✓						✓	
3.3.3.6: Enable access to draft law at local public service centers					✓			✓						✓					✓	
Group 6: Improving Law Enforcement																				
3.3.3.1: E-mapping of crimes				✓				✓						✓						✓
3.3.3.2: United law enforcement database				✓				Unclear relevance						✓					✓	
Group 7: Increasing Public Integrity																				
3.3.3.3: Random disclosure of assets				✓				✓					✓		✓				✓	
3.3.3.4: Asset publication in departments with high probability of corruption				✓				✓	✓	✓	✓			✓					✓	

Group I. Public Information Transparency Frameworks

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

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

Start date: Not specified

End date: 31 July 2014

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

- Performance indicators of the public Organizations will be transparent.
- Evaluate performance indicators and report to OGP National council.

Start date: Not specified

End date: 31 September 2014

Responsible institutions: Government; Parliament; Civil society organisations

Supporting institutions: None specified

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

Commitment Overview	Specificity				OGP value relevance (as written)				Potential Impact				Completion		Midterm		Did it open government?				
															End of term						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsens	Did not change	Marginal	Major	Outstanding
3.3.1.1: National Information Transparency Committee and Information Commissary			✓		✓		✓				✓			✓				✓			
3.3.1.2: “Citizen-targeted” performance indicators		✓			✓	✓	✓		✓				✓					✓			

Commitment Aim

These two commitments aimed to improve transparency frameworks for greater public access to information. The first commitment (3.3.1.1.) sought to establish a National Information Transparency Committee and Information Commissary to monitor the implementation of the Information Transparency and Information Access Right Act. The second commitment (3.3.1.2) looked to modernize and improve transparency performance indicators.

Status

Commitment 3.3.1.1

Midterm: Limited

In June 2009, Parliament approved the Law on Information Transparency and Right to Information. The law had four components: activities of government organisations, human resources, budget, and procurement. In July 2014, Parliament amended this law. Specifically, Clause 9 (Budget transparency) and Clause 10 (Transparency of government procurement of goods and services) of Article 10 were removed and became part of the new Glass Account law that was approved in July 2014. However, these changes did not include creating the National Information Transparency Committee or the Information Commissary that would help guarantee the implementation of the law. As a result, the commitment saw limited progress during the first year of implementation.

End of term: Limited

Based on the government self-assessment report and desk research conducted by the IRM researchers, there was no further progress on the establishment of either the National Information Transparency Committee or the Information Commissary.¹ The government did not hold any additional discussions with civil society and did not further amend the Law on Information Transparency and Right to Information. Nonetheless, according to the government, agencies have updated their web pages, linked to major social networks, and developed and approved information transparency strategies.²

Commitment 3.3.1.2

Midterm: Not started

Government Decree No. 143 from 14 May 2009 established 30 transparency indicators for all levels of government institutions. The indicators fall under four categories: operational transparency and openness, human resource policy transparency, budget transparency, and procurement transparency. However, this decree predated the action plan. The modernization of performance indicators did not take place during the first year of the action plan.

End of term: Not started

The IRM researchers did not find any evidence of progress during the second year of implementation. The transparency performance indicators of public institutions did not become “citizen targeted.” The government pointed to Cabinet resolution no.88 and new integrity assessments as evidence of completion. However, the cabinet resolution focuses on governance rather than information transparency performance indicators, as is specified in the commitment text. As for the integrity assessments, the Independent Authority Against Corruption in Mongolia created and carried out a new assessment at the end of 2015 that evaluates the public perception and experience of corruption.³ Nonetheless, these integrity assessments date back to 2010 and do not focus on transparency performance indicators.

Did it open government?

Commitment 3.3.1.1

Access to information: Did not change

Public accountability: Did not change

According to the Law on Information Transparency and Right to Information, citizens can file complaints about any organisations or officials who violate their right to access information. Citizens can report violations to higher authorities, the National Human Rights Commission of Mongolia (NHRC) or the courts. In this sense, the NHRC (appointed by and responsible to Parliament) performs several tasks that would generally be carried out by an information commissioner. For this reason, the establishment of a National Information Transparency Committee and Information Commissary were considered to have a high potential impact. Nonetheless, given that the commitment was not fulfilled, there was no change in government openness.

Commitment 3.3.1.2

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

The modernization of transparency performance indicators did not take place during the period of the action plan. Since the commitment was not started, the status quo did not change.

Carried forward?

These commitments are not included in Mongolia's second action plan, nor did they appear in the 28 initial commitment proposals for the plan, based on public discussions held in February 2016.

¹ Cabinet Secretariat of Government of Mongolia, *Mongolia Open Government Partnership National Action Plan 2014-2016, Final Self-Assessment Report 2016*, (Open Government Partnership, 2016), <http://bit.ly/2n4S5oZ>.

² Ibid.

³ Independent Authority Against Corruption, *Integrity Assessment Report*, (17 Jun. 2016), <http://www.iaac.mn/news/2316>.

Group 2. Budget and Financial Transparency

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

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

Start date: Not specified

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

Responsible institutions: Government; Cabinet Secretariat; Civil Society Organisations; National Auditing Committee; Ministry of Finance; Public Procurement Authority; City Mayor and Local governors

Supporting institutions: None specified

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

Commitment Overview	Specificity				OGP value relevance (as written)				Potential Impact				Completion		Midterm		Did it open government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsens	Did not change	Marginal	Major	Outstanding
★ 3.3.1.3: Transparent account system				✓	✓		✓	✓				✓			✓					✓	
★ 3.3.1.7: Foreign loan assistance projects				✓	✓							✓		✓	✓				✓		
3.3.1.8: Disclose procurement contracts above 80 million MNT				✓	✓						✓				✓				✓		

Commitment Aim

This cluster of commitments focused on improving budgetary and financial transparency. Specifically, the commitments aimed to publish information on budget revenue collection, income, and expenditures, including procurement and investments (3.3.1.3); disclose information on foreign loan assistance projects and programs (3.3.1.7); and publish procurement contracts above 80 million MNT (3.3.1.8).

Status

Commitment 3.3.1.3

Midterm: Substantial

The Parliament of Mongolia adopted the Glass Accounts Law on 1 July 2014. It entered into force on 1 January 2015. This law requires all government agencies and legal entities with state involvement to make budgetary information available to the public. For example, it requires that government agencies provide 28 types of information: 15 by filling in approved forms and 13 by reporting copies and scanned files. These disclosures occur at certain monthly, quarterly, and yearly periods.

Budgetary plans and performance reports are reported through the Glass Account Portal, www.shilendans.gov.mn, which is the integrated transparent system mentioned in the commitment. Decisions regarding income and expenditure transactions over five million MNT (except civil servant salaries) are reported through this website seven days after decisions are made.

Two consultative meetings were held on the system, one in December 2014 and a second in May 2015. This second meeting, on 15 May 2015, was held at the Government House and focused on the “Implementation of the Glass Account Law.” The Office of the President co-organised this event with the Mongolian National Audit Office, Ministry of Finance, and Open Society Forum. In addition, the government informed that it held 82 training workshops on the Glass Account Law for over 10,000 government employees.¹ Given the launch of the new Glass Account portal, the IRM researchers considered the commitment to be substantially complete at the midterm review.

End of term: Substantial

The Glass Account portal, www.shilendans.gov.mn, has been in operation since 2015. The site collects and displays information on budgets, finances, and procurement. The National Audit Office found that since its launch, 4966 budget organisations, 84 project units, 73 government and local special funds, and 510 state-owned enterprises regularly submitted information.² According to the government's midterm self-assessment report, the Cabinet met on 14 September 2015 and "took steps" against government officers who did not submit information in compliance with the law, though the government did not elaborate on what those steps were.³ According to the Judicial Council, however, there were no legal cases involving the Glass Account Law by the end of the period of the action plan. In its end-of-term self-assessment report, the government stated that it had trained 15,000 civil servants through a total of 112 workshop seminars.⁴

Although the portal now includes budgetary information for thousands of institutions, the completion of the commitment remains substantial because four of the six milestones listed in the commitment text have not been completed. Specifically, the government has not disclosed social benefits for public servants, performance reports for government-funded projects, or non-budgetary income such as charities. A citizen monitoring system also does not yet exist.

Commitment 3.3.1.7**Midterm: Limited**

There was previously no government structure or system to make foreign loan and aid information officially available to the public. On 18 February 2015, Mongolia adopted the Law on Debt Management. In an interview with the IRM researchers, the head of the Debt Management Department of the Ministry of Finance reported that the department was developing a data system for all loans, aid, and implemented projects received by the Government of Mongolia since 1992 within the implementation framework of this Debt Management Law. According to this civil servant, the system was almost completely developed.

End of term: Substantial

The government made an important first step toward public disclosure of information related to foreign loan assistance projects and programs. Specifically, the Ministry of Finance launched <http://odamis.mof.gov.mn>. By mid-2016, this website included a list and description of about 1,000 past and ongoing projects with information on funders, expenditures, and performance. However, detailed budget information, including loan interest rates, repayment conditions, and implementing authority/organisations are not available, as required by the commitment.

Commitment 3.3.1.8**Midterm: Substantial**

On 1 July 2014, the Parliament of Mongolia adopted the Glass Account Law, which requires that the government disclose publicly-funded procurement contracts above 5 million MNT (~US\$2500). However, the government's midterm self-assessment report indicated that this commitment was not complete because procurement information was not yet fully disclosed.⁵

End of term: Substantial

As of 1 January 2016, the government is required to disclose contracts above 5 million MNT to comply with the Glass Account Law. The government publishes procurement tenders, contract amounts, participating bids, and results online on www.tender.gov.mn. The website includes data visualizations of bids by category, budget governor, year and region. It also allows for filtering bids by date, bid name, budget governor, procuring entity and bid type. According to the end-of-term self-assessment report, the government published over ten thousand tenders and results.⁶ However, while the government now publishes more procurement information, the publication of contracts—as specified by the commitment text—remains to be completed. The government acknowledged that while it has disclosed many tenders and bids, most tender results are still to be published.⁷

Did it open government?

Commitment 3.3.1.3

Access to information: Major

Public accountability: Did not change

The Open Society Forum and other civil society organisations have long advocated for greater budgetary and financial transparency. Before the enactment of the Glass Account Law, budgetary transparency requirements were uneven or ineffectively enforced. According to the Open Budget Survey, the Mongolian government provided limited budgetary information to the public.⁸ For this reason, the commitment had a transformative potential impact.

By the end of the action plan, the commitment has made a major contribution to access to information in Mongolia. According to the government audit of the implementation of the Glass Account Law, 5,617 of the 5,804 local and state government authorities audited (or 96.8% of all authorities) had reported their general budget information in the Glass Account portal.⁹ The Internal Audit of the City Council announced that the Glass Account Law was 98% implemented at the municipal level as of the first half of 2015.¹⁰

Mongolian civil society conducted an independent evaluation of the law's implementation. The Open Society Forum, in cooperation with other NGOs, monitored implementation in 52 local governments in all nine districts of Ulaanbaatar and 21 provinces. They found an increase of 74% in information disclosed on procurements, incomes and expenditures, as well as relevant news and decisions from January to July 2015.¹¹ Nonetheless, according to Ts. Otrgonsuren of the Transparency Fund, some information is missing, such as official procurement decisions and contracts.

As for public accountability, the monitoring element of the commitment—the establishment of a citizen monitoring system—was not completed by the end of the action plan. Other than publishing the budgetary information, the government did not establish or improve channels for citizens to call for consequences or changes based on the information. As a result, there was no change in public accountability.

Commitment 3.3.1.7

Access to information: Marginal

There was previously no information related to foreign loan assistance for past or ongoing projects. According to the “Citizens Monitor the Budget” network, loan registrations and monitoring processes were often unsatisfactory or insufficient, and information on projects was often missing.¹² The “double-budgeting” system, whereby loans and government bonds managed by the Development Bank of Mongolia were separated from the government budget, also made it difficult for citizens to monitor foreign loans. As a result, this commitment to disclose greater information on foreign loan assistance projects and programs had a transformative potential impact.

As implemented, the commitment improved access to information in Mongolia. The new website, odamis.mof.gov.mn, contains previously inaccessible information, such as the names, descriptions and overall budgets of more than 1,000 projects. Though the results are promising, more detailed information on loan interest rates, repayment conditions, and implementing agencies is necessary for citizens to effectively monitor the cost and benefits of individual loans.

Commitment 3.3.1.8

Access to information: Marginal

In terms of access to information, civil society and citizens can now access information on procurements above 5 million MNT online at www.tender.gov.mn. Given that procurement data was often not public before the action plan, publishing procurement information and bids is an important first step. However, according to the government, it published nearly 3,000 tenders in 2016, but only 567 tender results. In this sense, the government acknowledged that “client organizations underperformed on providing information regarding tender results to the public.” In addition, amid public suspicions that government agencies are “dividing their expenses” to hide spending above five

million MNT, the government has committed to lower the threshold for publishing procurement bids to one million MNT in its next action plan.¹³

Carried forward?

The work on the Glass Account portal is carried over to the second action plan. The government expects to make the online system more responsive by creating a feedback mechanism to respond to questions and concerns from citizens and civil society organisations. In addition, the new plan includes both a commitment on disclosing publicly-funded procurement contracts above one million MNT and a commitment on increasing the transparency of foreign loans.

¹ Government of Mongolia, *Mongolia Midterm Self-Assessment Report National Action Plan 2014-2015*, <http://bit.ly/2lIFGHe>.

² Ministry of Finance, *Glass List Law Enforcement*, 3 Nov. 2016), <http://bit.ly/2oO6Ooe>.

³ Government of Mongolia, *Mongolia Midterm Self-Assessment Report*.

⁴ Cabinet Secretariat of Government of Mongolia, *Mongolia Open Government Partnership National Action Plan 2014-2016, Final Self-Assessment Report 2016*, (Open Government Partnership, 2016), <http://bit.ly/2n4S5oZ>.

⁵ Government of Mongolia, *Mongolia Midterm Self-Assessment Report*.

⁶ Cabinet Secretariat of Government of Mongolia, *Final Self-Assessment Report 2016*.

⁷ Working Group to develop the draft National Action Plan for Open Government Partnership Mongolia for 2016-18, *National Action Plan - II, 2016-18 Mongolia*, (Open Government Partnership, 7 Jun. 2016), <http://bit.ly/2cRGpAH>.

⁸ *Mongolia Open Budget Survey Document Availability Tracker*, (International Budget Partnership, Dec. 2016) <http://bit.ly/2lAjzr>.

⁹ Mongolian National Audit Office, "Forum on the implementation of the Glass list," (15 Jun. 2015) <http://www.audit.mn/?p=2736>.

¹⁰ News.mn, "Glass Accounts Law is 98% implemented," (28 May 2015), <http://www.news.mn/r/220789>.

¹¹ Please see the results of the Open Society Forum assessment at <http://bit.ly/2p93QeC>.

¹² Please see www.Tusuv.mn.

¹³ Working Group to develop the draft National Action Plan for Open Government Partnership Mongolia for 2016-18, *National Action Plan - II*.

Group 3. Transparency of Natural Resources Use

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

Start date: Not specified ..

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

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

Publicly disclose the list of companies and legal bodies.

Start date: Not specified

End date: 31 December 2015

Responsible institutions: Cabinet Secretariat of Government; Ministry of Mining; Mineral Resource Authority; Ministry of Environment and Green Development; Non-government organisations

Supporting institutions: None specified

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

Commitment Overview	Specificity				OGP value relevance (as written)				Potential Impact				Com-pletion		Midterm		Did it open government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsens	Did not change	Marginal	Major	Outstanding
3.3.1.4: Minerals, oil, and land tenure database			✓		✓			✓				✓		✓					✓		
3.3.1.5: Transparency in use of public-owned resources				✓	✓							✓		✓					✓		
🌟 3.3.1.6: List of mandatory public environmental information				✓	✓							✓			✓					✓	

Commitment Aim

This cluster of commitments focused on improving the transparency in the natural resource sector. Specifically, the government committed to establish a central database for information on oil, mineral and land tenure ownership licenses (3.3.1.4); disclose contracts related to water, minerals, oil and

land (3.3.1.5); and publish information on any action harmful to the environment or people's health (3.3.1.6).

Status

Commitment 3.3.1.4

Midterm: Limited

At the midterm assessment, Mongolia had not created a general database for mineral, oil and real estate license ownership. This information was released separately through certain state administration offices. For example, the Mineral Resource Authority, responsible for mineral licenses and registrations, shared license information through its website <http://cmcs.mram.gov.mn/cmcs#>. The Petroleum Authority of Mongolia published petroleum licenses and other information.

The Mineral Resource Authority was collaborating with the National Data Center to transfer the license database into a central online database. In 2014, the "Computerized mining registry system" project was implemented by the Mineral Resource Authority within the framework of the World Bank's "Governance Support Project," which was an important step towards the establishment of an integrated database. However, given that the results were not yet visible to the public, the completion of this commitment was limited.

End of term: Limited

By the end of the action plan, license information was still only available through individual agency websites, rather than through a central database as required by the commitment. For example, a list of all valid mineral licenses, short license descriptions, and location coordinates are accessible on <https://cmcs.mram.gov.mn/cmcs>. The Mineral Resource Authority regularly shares the selection of new license holders and transfer of licenses through this website. This mineral license information is also available on Mongolia's Extractive Industries Transparency Initiative (EITI) webpage.¹ As for petroleum licenses, information on companies conducting petroleum exploration activities, per the product-sharing contracts, are available on the Petroleum Authority website.² However, this information was not updated in 2016. Lastly, municipal and *aimag* land authorities—responsible for land registration—have not yet disclosed land license ownership.

Commitment 3.3.1.5

Midterm: Limited

Some foreign investment and major mining stability agreements became transparent during the action plan's first year of implementation. For example, the most significant Oyutolgoi mining investment and stability agreement was published in 2014.³ However, other types of natural resource contracts, especially the oil production sharing agreements, have remained closed due to assertions of companies' business confidentiality. An amendment to Article 36.1, Chapter 8 of the Law on Petroleum in 2014, required certain information on oil and non-conventional oil exploration and exploitation-related investment as well as royalty and Product Sharing Agreements between state administrative bodies and contractors to be shared through mass media every first quarter of the following year. This would include many different pieces of information, such as the amount of investment, expense, payment for resource usage, oil exploration and sales, state tax and local tax in the current year. However, as of the midterm assessment, this law had not been enforced.

End of term: Limited

Progress on the transparency of contracts related to publicly-owned resources was limited. The government currently has 25 product-sharing contracts, but only three are open to the public.⁴ As part of its participation in EITI, the Mongolian government did, however, publish 25 contracts between mining companies and local governments.⁵ In addition, following discussions between civil society and government, the Open Society Forum, in collaboration with the EITI Secretariat of Mongolia and the Ministry of Mining and Heavy Industry (MMHI), established a resource contract database that will include "product sharing agreements in [the] oil and gas sector, investment agreements, concession and local development agreements in mining, as well as former stability agreements..."⁶ However, by March 2017, the database only included seven contracts. Lastly, the government uploaded the amendments to the Oyu Tolgoi mine agreement—the country's largest

project—signed by then Prime Minister Ch. Saikhanbileg in May 2015, to the government website www.zasag.mn.

Commitment 3.3.1.6

Midterm: Substantial

The government made important strides in publishing environmental information. The Minister of the Environment declared 2014 as “a year for environmental information transparency,” which received public attention.⁷ In March 2014, the board members of the Environmental Information Administration were re-elected and its operational procedures were re-adopted by the Ministry of Environment, Green Development and Tourism. In September 2014, local and state authorities responsible for the centralization of data were required to input missing information to the environmental integrated database (www.eic.mn). At the time of the midterm assessment, this online database held 22 different datasets, including ones on pollution. However, the IRM researchers found no information on the vague second part of the commitment that requires publishing lists of companies. As a result, the commitment was only substantially complete.

End of term: Substantial

By early 2017, the integrated database, available at www.eic.mn, included 29 databases. In addition, the government provided air quality information on www.agaar.mn, a website that monitors air quality in real-time and provides citizens with information on air pollutants, air quality data, legal regulations, related news, and safety advice. There is also a mobile app version of the site for smartphones, through which users can access real-time air pollution in different points around the city.⁸

As part of “Citizens Right to Environmental Information” project, supported by the Open Society Forum, CSOs and government authorities are also working together to create a model for disclosing additional environmental information. However, a list of companies and legal bodies that have engaged in harmful activities to the environment has not yet been disclosed, as required by the commitment. As a result, the completion of this commitment remains substantial.

Did it open government?

Commitment 3.3.1.4

Access to information: Marginal

A 2014 study found that land utilization, state mining, and local procurement offices were consistently ranked as the most corrupt sectors in Mongolia.⁹ After lifting a 2010 moratorium on new licenses, the government began re-issuing licenses on 1 January 2015 amid concerns of corruption and unfair advantages.¹⁰ As a result, the publication of oil, mineral, and land tenure license ownership on a central database had a potentially transformative impact at the outset of the plan.

However, the commitment was only partially completed. While mineral license information is now available online, there has been limited disclosure of petroleum and land license ownership. In fact, the government only published a list of fifteen companies conducting petroleum exploration activities in 2015,¹¹ and this information was not updated in 2016. Civil society considers this information to be unsatisfactory and requests that the government disclose the beneficial ownership information for companies that hold licenses. CSOs also insist on access to nuclear energy resource licenses, which were not included as part of the commitment. CSOs are currently requesting this information according to the Information Transparency and Right to Information Act.¹²

Although the reach of the commitment was limited mostly to mineral licenses, it is worth mentioning that Mongolia’s EITI website provides citizens with a user-friendly platform for accessing detailed mineral license information, such as the license number, field size, type of mineral, holding company name, and issue/expiration date. The website also allows filtering of licenses, provides data visualizations of licenses by region and mineral type, and offers information in open data format, which is an important step forward for access to information.

Commitment 3.3.1.5

Access to information: Marginal

Policy debates around the extractive sector in Mongolia often have revolved around contracts. Historically, monitoring actors such as civil society organisations have not been able to assess contracts.¹³ For this reason, this commitment to publish all investment, stability, and production-sharing agreements related to publicly-owned resources was ambitious. As implemented, however, the commitment had a limited reach. Most product-sharing contracts are still not open to the public. Nonetheless, the new resource contract database at www.iltodgeree.mn is a promising first step for contract transparency. Though only seven contracts were available on the site by early 2017, the contracts are in PDF and text form, with annotations that explain relevant clauses and articles. Users can also search, compare, and download contracts.¹⁴

Contracts between mining companies and local governments are also becoming transparent as part of EITI efforts. For instance, 25 contracts were published online.¹⁵ In addition, since 2006, companies are required to consult with local governments before obtaining licenses for widely-used resources. Though implementation of this requirement has been limited,¹⁶ there are already some concrete results. For example, according to the Environmental Office of Ulaanbaatar, 38 license applications were refused by local governments after consultations with citizens in the Khan-Uul district of the city.

Commitment 3.3.1.6

Access to information: Major

By the end of the action plan, the government made important steps forward in access to environmental information. The online integrated database available at www.eic.mn currently holds 29 different datasets on important issues including pollution, climate, protected areas, and contaminated land. However, while these online environmental datasets are mandatory according to environmental legislation, many are general and outdated. For example, the latest data in the land and soil databases are from 2014.

Perhaps the most impactful aspect of this commitment was the establishment of www.agaar.mn, a website that enables air quality monitoring. Air pollution is a national priority in Mongolia. A 2011 study by the Canadian Simon Fraser University found that one in ten residents of Ulaanbaatar dies from pollution-related causes.¹⁷ By the end of 2016 and beginning of 2017, the poor air quality led to public protests involving thousands of people.¹⁸

In this context, the government's new tool for citizens to monitor air quality in real-time in different locations of the city is a major step forward. Through www.agaar.mn, citizens can access health information, air quality measurements for several elements, safety advice, and the latest research and news on the subject. The mobile app also allows the public to consult user-friendly air quality information. According to the Earth Journalism Network, www.agaar.mn is an example of how local air quality monitoring in Mongolia has "improved dramatically" in recent years.¹⁹

Heavy usage of the new tools demonstrates the public demand for this type of information and the impact it can have. By March 2017, nearly 120,000 people had visited the website.²⁰ In addition, several media sources cited the air quality information to draw attention to the fact that in December 2016, the levels of particulate matter in Ulaanbaatar reached nearly 80 times the recommended amount by the World Health Organization.²¹

Carried forward?

The first two commitments in this cluster are included in the second action plan. As it relates to license ownership, the government aims to disclose beneficial ownership information for the mining sector. As for contracts, the government plans to first identify a list of public resources and types of agreements to disclose, and then upload the contracts to an information database.

¹ EITI Mongolia E-Reporting System, <http://tailan.eitimongolia.mn/>.

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- ²“Companies that are conducting petroleum exploration activities according to the PSCs,” (Petroleum Authority of Mongolia, 19 Jan. 2015), <http://bit.ly/2lx2dSt>.
- ³ “Investment Agreement,” (Oyu Tolgoi), <http://ot.mn/investment-agreement-en/>.
- ⁴ Three product-sharing contracts are currently available online on the Open Oil Repository. These three product-sharing contracts, along with four other agreements, are also available on the Resource Contracts website. Please see: <http://repository.openoil.net/wiki/Mongolia> and <http://www.resourcecontracts.org/countries/mn>.
- ⁵ “Contracts,” (Mongolia Extractive Industries Transparency Initiative, 2016), <http://eitimongolia.mn/en/node/4875>.
- ⁶ Resource Contracts Mongolia, “About Resource Contract Database,” 20 Jun. 2016, <http://www.iltodgeree.mn/page/61/detail>.
- ⁷ L. Delger, “Environmental information disclosure,” (Old Eagle, 5 Feb. 2014), <http://old.eagle.mn/content/read/12412.htm>.
- ⁸ “Agaar.mn,” (iTunes Preview, 28 May 2014), <https://itunes.apple.com/us/app/agaar-mn/id911239950?mt=8>.
- ⁹ Asia Foundation and Sant Maral Foundation, *Survey on Perceptions and Knowledge of Corruption*, (Jun. 2014), <https://asiafoundation.org/resources/pdfs/SPEAKIVEnglishJune2014.pdf>.
- ¹⁰ Terrence Edwards, “Whiff of corruption hangs over Mongolia’s mining license auctions,” (Intellinews, 17 Mar. 2015), <http://bit.ly/1NXMBhS>.
- ¹¹ Petroleum Authority of Mongolia, “Companies that are conducting petroleum exploration activities according to the PSCs,” (19 Jan. 2015), <http://bit.ly/2lx2dSt>.
- ¹² N.Dorjdari (Mongolia Manager, Natural Resource Governance Institute), comments made to the IRM researcher.
- ¹³ Dorjdari Namkhajantsan, “Contract Transparency a Critical Component of Civil Society Oversight in Mongolia,” (*Natural Resource Governance Institute*, 19 Nov. 2015), <http://bit.ly/2m3TKrN>.
- ¹⁴ Resource Contracts Mongolia, <http://www.iltodgeree.mn>.
- ¹⁵ “Contracts,” (Mongolia Extractive Industries Transparency Initiative).
- ¹⁶ Byambajav Dalaibuyan, “Enhancing transparency of local level agreements in the Mongolian mining industry,” (GOXI, 2 Dec. 2015), <http://goxi.org/profiles/blogs/mongolia-s-model-cda-intent-and-limitations>.
- ¹⁷ “Study: Air pollution killing Ulaanbaatar (Mongolia) residents,” (Simon Fraser Univ., 16 Aug. 2011), <http://bit.ly/2mX05VJ>.
- ¹⁸ Grace Brown, “In frigid cold, Mongolians stand in protest of air pollution,” (Associated Press, 28 Jan. 2017), <http://wapo.st/2mtAS7E>.
- ¹⁹ Peter Bittner, “Clearing the air: Why Mongolia’s ‘Ger’ districts are key to solving its air pollution crisis,” (Earth Journalism Network, 18 Mar. 2016), <http://bit.ly/2hKoY7E>.
- ²⁰ Agaar.mn, accessed 2 Mar. 2017, <http://agaar.mn/index>.
- ²¹ Michael Kohn, “World’s Worst Air Has Mongolians Seeing Red, Planning Action,” (Bloomberg, 22 Dec. 2016), <http://bloom.bg/2i6WTVZ>. See also Oyungerel Munkhbat, “Putting a magnifying glass on air pollution,” (The UB Post, 12 Jan. 2017), <http://theubpost.mn/2017/01/12/putting-a-magnifying-glass-on-air-pollution/>.

Group 4. Increasing Civic Participation

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

Start date: Not specified

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

Responsible institutions: Cabinet Secretariat of Government; Ministry of Justice; All ministries;
Provincial Governors; Information Technology, Post and
Telecommunications Authority; City mayor

Supporting institutions: None specified

Editorial note: The IRM researchers clustered these commitments for analysis because they each involve guaranteeing, streamlining, and building capacity for civic participation. The part of Commitment 3.3.2.6 about public service e-machines is assessed under Commitment 3.3.2.5 in Group 5 since it overlaps directly.

Commitment Overview	Specificity				OGP value relevance (as written)				Potential Impact				Completion		Midterm	Did it open government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsens	Did not change	Marginal	Major	Outstanding
3.3.2.1: Civic engagement in public service planning			✓			✓		✓			✓			✓						✓	
3.3.2.6: II-II Center and data system for petitions				✓	✓	✓	✓	✓			✓				✓			✓			
3.3.3.5: Regulation to repeal decisions made without due participation			✓			✓	✓					✓		✓				✓			
3.3.3.7: Legal knowledge capacity-building		✓			✓	✓				✓				✓				✓			

Commitment Aim

This cluster of commitments aimed to improve civic engagement by introducing channels of communication between citizens and the government (3.3.2.1); a data system that responds to and tracks citizen feedback (3.3.2.6); creating regulations to repeal decisions made without sufficient civic participation and holding the responsible officials responsible (3.3.3.5); and building the capacity of citizens (3.3.3.7).

Status

Commitment 3.3.2.1

Midterm: Limited

Some progress was made on ensuring public participation in the drafting of any decision issued by the government body. The Information Transparency and Information Access Right Act, updated with the July 2014 Glass Accounts Law, now includes an article stating that a "new policy document and draft resolution on universal norms should be displayed on websites for at least 30 days to receive suggestions of governmental and non-governmental organizations, professional experts, scholars and public opinion".¹

End of term: Substantial

On 8 July 2015, the Parliament adopted the Law on Public Hearing, an important step in providing a legal basis for holding public hearings on draft policies. Government agencies subject to this law include the supreme body of state authority as well as local political and administrative units. The Parliament also passed the Law on Development Policy and Planning that provides a legal framework for CSOs to formulate and monitor policies; the General Administrative Law, that introduces hearings to receive citizen feedback; and the Law on Legislation, which requires lawmakers to receive comments on draft legislation.

However, actual implementation of these requirements has been sporadic. For example, on 7 August 2015, the Economic Transparency Law, which encourages individuals and companies to declare hidden assets, was adopted through an open discussion. On the other hand, on 11 August 2015, the Legal Standing Committee held a closed session on a final discussion of the “draft law on amnesty” and approved the law later that same day without receiving citizen inputs.

Commitment 3.3.2.6

Midterm: Substantial

The Government “11-11” Center has operated continuously since 2014. This center registers community feedback, such as public criticism and e-service complaints, through telephone calls or in person and then transfers the information to relevant government bodies for further action, including direct calls or messages back to citizens. The government repeatedly reported that the Centers were successful, although the IRM researchers could find no independent verification or evaluation of this.

In 2014, the center registered more than 41,960 pieces of public feedback, and as of 1 July 2015, it had received 80,000 complaints or suggestions, according to the record list of the online data system.² This system does not provide clear tracking for the government response to complaints, although it does provide complete access to the complaints themselves, including, for example, recordings of the telephone calls. However, since the beginning of 2015, the center has become less effective. After the change in prime minister in November 2014, the center continued to operate as usual in terms of receiving complaints, but ministers and head of government agencies stopped providing direct answers or replies to the citizens according to the certain fixed schedule.

End of term: Substantial

According to the government’s end-of-term self-assessment, the 11-11 center registered nearly 125,000 pieces of feedback from citizens by the end of 2016. The government responded to over 117,000 of these messages. In addition, the government stated that there were 33 live online discussions broadcasted for the relevant authorities to respond to citizen feedback submitted to the center.³ However, there is no information on the analysis of information received, or how the feedback influenced policies. In addition, the data system that responds to and tracks petitions and enquiries was not developed. As a result, the completion of the commitment remains substantial, as acknowledged by the government in its self-assessment.⁴

Commitment 3.3.3.5

Midterm: Limited

At the time of the midterm assessment, no regulation had been made that would either mandate the cancellation of state decisions that did not consider public opinion or impose sanctions on the responsible government officials. The Ministry of Justice reported that the draft General Administrative Law included an article to this effect, but the final version does not include any such principle. While the President of Mongolia Ts. Elbegdorj regularly promotes this principle in his speeches, there was a limited completion of this commitment after the first year of the plan’s implementation.

End of term: Limited

No regulation has been made mandating the cancellation of state decisions that do not take public feedback into account and imposing sanctions on responsible government officials. The General Administrative Law, adopted by the Parliament on 19 May 2015, included an article on the cancellation of administrative acts that go against the public interest and social norms, within five years of adoption. This law became effective on 1 July 2016—after the end of the action plan. The completion of this commitment remains limited as stated in the government end-of-term self-assessment report.⁵

Commitment 3.3.3.7

Midterm: Limited

It is common to have workshops and seminars in which some services are offered, such as the introduction of laws, legal consultation, and reception of complaints and opinions. The National Legal Center under the Ministry of Justice regularly organised legal awareness trainings in 2014. Some training programs and discussions of newly enacted laws and draft law projects were organised regionally and locally. But most of these were aimed for local government officials, not citizens, as the commitment specified.

Many international, non-governmental projects and programs for this goal have been implemented. These projects involve preparing and publishing easily understandable handbooks, booklets, or posters on newly adopted laws, rules, and regulations. For example, within the framework of the Active Participation and Public Engagement for Accountable Localities (APPEAL) project, implemented by Mercy Corps USA, the Mongolian Independent Authority Against Corruption published a handbook named “Baadai and his family” which simplifies a law on the prevention of Conflict of Interest in Public Service. Still, government activity specifically aimed at expanding citizen knowledge during the period was limited.

End of term: Limited

Some workshops and seminars were organised mostly to introduce new laws. For example, there were workshops to introduce the new Law on VAT and Law on Road Traffic Safety. According to the end-of-term self-assessment, the government broadcast information about new legislation each month via radio and signed a contract in 2015 to work in cooperation with the National Legal Institute.⁶ Given the vagueness of the commitment text and the lack of concrete evidence for a substantive increase in the number of capacity-building projects, the commitment is considered to have a limited completion.

Did it open government?

Commitment 3.3.2.1

Civic participation: Marginal

Passing the Law on Public Hearing (effective from January 1, 2016), General Administrative Law (effective from July 1, 2016), Law on Development Policy and Planning (effective from January 1, 2016), and Law on Legislation (effective from January 1, 2017) have created a favorable legal environment for increased civic engagement that is starting to show results. For example, some draft laws are displayed on the Parliament website www.parliament.mn for 30 days to receive suggestions of governmental and non-governmental organisations, professional experts, scholars, and the public. However, some of these laws did not come into force until after the end of the action plan. Moving forward, the proper implementation of these laws will be essential for a major improvement in government openness. As stated by Ts. Otgonsuren of the Transparency Foundation, it is still common practice to make decisions regarding government services without consulting citizens and civil society. In addition, according to the World Bank, Mongolian government agencies do not regularly report on the results of consultation or provide either a general response or customized response to stakeholders.⁷

Commitment 3.3.2.6

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

The commitment aimed to provide the public with an easy-to-use channel for giving the government feedback. On average, citizens now send 1,000 complaints and suggestions each week. Citizens can send their feedback through ten channels, such as through the call center, online portal, kiosks, mobile app, social media, or in person,⁸ though 80-percent of messages were sent through phone calls.⁹ All complaints and suggestions are registered and uploaded on the 11-11.mn website, along with government responses. Nonetheless, the 11-11 center has received citizen inputs since 2012—prior to the beginning of the action plan. In fact, based on a search of web archives, the 11-11 center

website has remained largely the same since at least February 2014.¹⁰ In this sense, the channels for citizens to send complaints and suggestions existed previously and were not enhanced during the action plan period. For this reason, the commitment did not improve avenues for civic participation.

In terms of access to information, although the 11-11 center has received a significant amount of feedback about the quality of government services, there is no report or evaluation of this information. For example, there is no publicly available information on how many messages fall under feedback, criticism, or complaints, or whether they are open or closed, even though the messages online are coded using these values. Likewise, it is not possible to filter by these values, or view messages based on their theme.

As for public accountability, while citizens can provide feedback and view their messages online, their feedback and complaints do not influence government activities. According to the government, the system “currently is unable to take action on these complaints and improve government service.”¹¹ In addition, the data system mentioned in the commitment to track complaints was not developed. While the government did respond to more than 117,517 public comments—or 94-percent of the total number of comments received—and held online discussions to respond to feedback, the government’s responses to comments and online discussions predate the action plan.¹² As a result, there was no change in public accountability.

Commitment 3.3.3.5

Civic participation: Did not change

Public accountability: Did not change

Although the new General Administrative Law could ensure greater civic participation, it did not come into effect until after the end date of this action plan. As a result, there was no change in government openness.

Commitment 3.3.3.7

Access to information: Did not change

Civic participation: Did not change

The government used radio programs and held trainings, workshops, and seminars to introduce new laws and regulations, as well as to improve public understanding of legal language. However, citizens were invited to participate in only some of the workshops and seminars organised by government authorities, which were directed at public servants. Moreover, these types of trainings and workshops predate the action plan. In this sense, there is little concrete evidence of changes in government practice resulting from this commitment. Moving forward, this type of commitment requires greater specificity of the target audience and the number of projects expected to be completed.

Carried forward?

The first two commitments of this cluster are carried forward to Mongolia’s second action plan. Specifically, in the new plan, there is a commitment to develop a mobile application for the government 11-11 center to receive citizen feedback and requests, and a commitment to implement the new legislation related to civic engagement in decision-making.

¹ “Law of Mongolia on the Information Transparency and Right to Information,” (Ulaanbaatar, 16 Jun. 2011), http://crc.gov.mn/contents/en/raw/12/30/25/8_Law_on_Information_Transparency_and_Right_to_Information.pdf.

² This information was accessed for the midterm assessment at <https://11-11.mn/>. However, the information is no longer online. This may be due to the 11-11 Center closing temporarily in October 2016. For more information on this, please see <http://www.olloo.mn/n/34429.html>.

³ Cabinet Secretariat of Government of Mongolia, *Mongolia Open Government Partnership National Action Plan 2014-2016, Final Self-Assessment Report 2016*, (Open Government Partnership, 2016), <http://bit.ly/2n4S5oZ>. Please see <http://www.olloo.mn/n/1995.html> for an example of these live discussions.

⁴ Cabinet Secretariat of Government of Mongolia, *Final Self-Assessment Report 2016*.

⁵ Ibid.

⁶ Ibid.

⁷ “Global Indicators of Regulatory Governance, Public Consultation in Rulemaking,” (The World Bank, 2017),

<http://rulemaking.worldbank.org/data/comparedata/consultation>.

⁸ Cabinet Secretariat of Government of Mongolia, *Final Self-Assessment Report 2016*.

⁹ B. Khuder, “‘11-11’ center turns three years,” (Montsame, 12 Oct. 2015), <http://en.montsame.mn/politics/783>.

¹⁰ The IRM compared the current website, www.11-11.mn, with earlier archived versions of the website, such as versions from February 2014 (available at <http://bit.ly/2piNLnb>) and October 2012 (available at <http://bit.ly/2pHVzyX>).

¹¹ Working Group to develop the draft National Action Plan for Open Government Partnership Mongolia for 2016-18, *National Action Plan - II, 2016-18 Mongolia*, (Open Government Partnership, 7 Jun. 2016), <http://bit.ly/2cRGpAH>.

¹² Please see <http://www.olloo.mn/n/1995.html> for evidence of a live discussion that took place just before the official start of the action plan.

Group 5. Improving Public Services

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

Start date: Not specified

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

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

Supporting institutions: None specified

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

Commitment Overview	Specificity				OGP value relevance (as written)				Potential Impact				Completion		Midterm	Did it open government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsens	Did not change	Marginal	Major	Outstanding
3.3.2.2: Launch Smart Government e-public services program			✓		✓			✓			✓					✓		✓			
3.3.2.3: Single access public service		✓			Unclear relevance					✓			✓					✓			
3.3.2.4: One window public service			✓		Unclear relevance					✓			✓					✓			
3.3.2.5: Increase number of local public service online machines				✓	✓			✓			✓			✓				✓			
3.3.3.6: Enable access to draft law at local public service centers				✓	✓			✓				✓	✓					✓			

Commitment Aim

This cluster of commitments focused on improving public services. The government proposed launching a public service portal (3.3.2.2); providing public services through a single access point (3.3.2.3) and through one window with e-service capability (3.3.2.4); increasing the number of public service e-machines (3.3.2.5); and providing information on legal drafts to the public in due time (3.3.2.6).

Status

Commitment 3.3.2.2

Midterm: Completed

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

The government took several important steps toward implementing this initiative during the period analyzed. Specifically, on 8 June 2015, a US \$17.9 million “Smart Government” project, financed by a soft loan agreement and signed by the Ministry of Finance and International Development Association of World Bank, was ratified by Parliament. The total project cost is US \$20 million.

Commitments 3.3.2.3 and 3.3.2.4

Midterm: Not started

There are one-stop service centers operating in the capital city, all districts, and other provinces. These local administration buildings house services like national registration, customs, social insurance, banking, and finance, and notarization. However, each service requires contacting a separate state official. Thus, one of the action plan's goals was to provide citizens with access to other services via the same government officer at the same time. However, the IRM researchers found no evidence of progress on transferring ordinary services to single-access or single-window e-government services.

Commitments 3.3.2.3 and 3.3.2.4

End of term: Not started

According to the end-of-term self-assessment report, the government established a plan and a working group to create a center for public services on 8 February 2016.¹ However, there is no evidence that work has begun on creating a single access point for public services. In addition, in the first half of 2016, one-window public service centers were established in three districts of Ulaanbaatar City, but they do not have e-service components, as specified in the action plan. Given the lack of evidence of progress, the IRM researchers consider the commitments to remain not started.

Commitment 3.3.2.5

Midterm: Limited

The government service e-machines (GSEM), also known as Fast Service Machines, ТҮЦ машин) opened to the public on 19 June 2013. The GSEM are online terminals located in heavily populated areas of cities and local provinces and connected to the integrated database system of government authorities. The use of these e-machines continuously increased from the beginning of 2014, as measured by the number of users reported at datacenter.gov.mn. According to the representative of the Mongolian National Datacenter that the researchers interviewed, as of 1 July 2015, there were a total of 104 machines throughout Mongolia; 74 are located in Ulaanbaatar and 30 are located in local provinces.

Six types of civil registration documents and four types of General Customs Authority related documents can be obtained from this e-machine. Additionally, utility payments and daily newspaper subscription services are available in some areas. In the future, mobile operators, cable television and IP television service fees, and other ministry and agency information will be included.

The Cabinet Secretariat and Human Security Policy Studies Centre (HSPSC) agreed to cooperate and introduce online one-window service at *sum* and *khoroо* levels, but no information was found regarding any activities. As a result, the IRM researchers considered this commitment to have limited implementation during the first year of implementation.

End of term: Limited

The government stated in its end-of-term self-assessment report that there are 28 e-ATM machines in 21 aimags (provinces) and 80 e-machines in Ulaanbaatar that provide services in areas such as registration, taxation, newspaper subscriptions, and utilities.² The total number of e-machines in operation is 108, which falls short of the intended goal of 273 machines, as specified in the annex of the action plan.³ As a result, the completion of the commitment remains limited. According to the government, letters have been sent to local government authorities recommending that financing for e-machines be included in their budgets.

Commitment 3.3.3.6

Midterm: Not started

Prior to this commitment, draft laws, regulations, acts, and public norms were displayed on the Parliament website or other ministry websites. In addition, Parliament sometimes sent newly drafted laws and common legal acts to ministries, agencies, local government authorities, and other government project units for feedback. However, during the first year of implementing this action

plan, the IRM researchers found no discussion or evidence of improvements to non-government consultation timeliness or transparency through GSEM, Civic Halls, or local public libraries.

End of term: Not started

Laws, regulations, acts, and public norms are regularly uploaded on www.legalinfo.mn. Draft laws and related information are also uploaded on the Parliament website, www.parliament.mn, as before. However, draft laws and regulations are not available through GSEM, Civic Halls, or local public libraries, as required by the commitment. The IRM researchers consider that this commitment is difficult to implement due to the lengthy procedures for approving new laws.

Did it open government?

Commitment 3.3.2.2

Access to information: Did not change

E-public service initiatives, which started in 2012, became largely stagnant in 2015. The government carried out some improvements within the framework of the "Smart Government" project. For example, the e-Property Registration System was rolled out in three provinces and UB districts between November 2015 and June 2016.⁴ However, the most significant element of the commitment—the establishment of a public service portal—was not completed. There were frequent announcements that 25 highly-demanded public services would be provided through www.ezasag.mn.⁵ However, as of March 2017, this portal was not operational, partly due to the lack of effective e-signature regulations. As a result, there was no change in the status quo.

Commitments 3.3.2.3 and 3.3.2.4

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

These two commitments were not started during the period of the action plan. Furthermore, the commitments were not relevant to open government since they did not aim to make more or better information available to the public, improve opportunities for the public to influence decision-making, or improve channels for citizens to hold government officials to account. Instead, the commitments focused on improving the delivery of public services and expanding the government's e-service capabilities.

Commitment 3.3.2.5

Access to Information: Did not change

Since 2014, more than three million services in sixteen different areas were provided by Fast Service Machines, according to the Communications and Information Technology Authority. However, the commitment aimed to increase the number of machines and the amount of content provided, which was only partially completed. Furthermore, there is no evidence that citizens can now access more information on services than they could previously. As a result, there was no change in the status quo.

Commitment 3.3.3.6

Access to Information: Did not change

Since this commitment was not started, there was no change to the status quo. Citizens still cannot access information on draft laws and rules from online machines, civic halls, or public libraries.

Carried forward?

None of these commitments are included in Mongolia's second action plan.

¹ Cabinet Secretariat of Government of Mongolia, *Mongolia Open Government Partnership National Action Plan 2014-2016, Final Self-Assessment Report 2016*, (Open Government Partnership, 2016), <http://bit.ly/2n4S5oZ>.

² Ibid.

³ Government of Mongolia, “Open government partnership” Country action plan (Annex), (Open Government Partnership, <http://bit.ly/2mFW9eM>).

⁴ “Implementation Status & Results Report – SMART Government,” (The World Bank, 20 Jun. 2016), <http://bit.ly/2mTThvg>.

⁵ “State services shifting to an online system,” (News.mn, 23 May 2015), <http://www.news.mn/r/210357>. See also Mongolia’s end-of-term self-assessment report, available at: <http://bit.ly/2cRGpAH>.

Group 6. Improving Law Enforcement

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

Start date: Not specified

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

Responsible institutions: Ministry of Justice; Government

Supporting institutions: None specified

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

Commitment Overview	Specificity				OGP value relevance (as written)				Potential Impact				Completion		Midterm		Did it open government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsens	Did not change	Marginal	Major	Outstanding
3.3.3.1: E-mapping of crimes			✓		✓			✓			✓			✓		✓				✓	
3.3.3.2: United law enforcement database			✓		Unclear relevance						✓			✓		✓		✓			

Commitment Aim

The government aimed to map crime occurrences online (3.3.3.1) and create an integrated system with information on legal enforcement activity, crimes, and violations (3.3.3.2).

Status

Commitment 3.3.3.1

Midterm: Limited

According to government reporting, the Justice State Secretary's decree #A/53 called for the establishment of a working group, which was formed in June 2013, to develop a project called "E-mapping of crime occurrence system application to the police activities." The eCrimeMapping software was developed in 2014 through the cooperation of the Information and Technology Center of the General Police Department and ICTCC LLC, a technology company that worked on this project. However, the site did not become operational until September 2015, after the close of the first year of the action plan. As a result, the completion of the commitment at the midterm was limited.

End of term: Complete

The eCrimeMapping portal was launched in September 2015, and is operational at <http://crimemap.police.gov.mn/>. The system contains information on some registered crimes during 2011 and 2012, and all registered crimes from 2013 to the present. Crimes are grouped into eleven categories, such as theft, robbery, and rape, and their locations are visible on the site's map. The

crimes can be filtered by the type of crime and location during any six-month interval. Each crime “pin” on the map includes the case file number, the time and location of the crime, and the police department responsible.

Commitment 3.3.3.2

Midterm: Limited

Limited progress was made by the midterm assessment toward creating a united information database (which would draw upon some of the same information as the e-mapping of crime). The Parliament Legal Standing Committee issued Decree 23 in July 2015 to build this database. On 4 September 2015, a working group was established, and according to the project leader at the Ministry of Justice, 50-60% of the plan had been implemented by this date.

End of term: Complete

The government end-of-term self-assessment report indicates that the Information and Technology Center of the General Police Department registered more than seven million criminal records, penalties, and law enforcement actions by 2016 to a database that is shared with relevant government agencies.¹ This database is updated monthly, but is intended for internal use only and is not open to the public. Nonetheless, the commitment called for a unified database accessible to relevant bodies—not necessarily citizens. As a result, the commitment is considered to be complete.

Did it open government?

Commitment 3.3.3.1

Access to information: Major

Prior to the action plan, the National Police website provided news updates on crime occurrences, and the Information and Technology Center of the General Police Department offered criminal record information upon request. However, citizens were not able to access general crime information and locations online. Opening up crime data through <http://crimemap.police.gov.mn> is therefore an important step forward in terms of access to information. Citizens can now easily see where crimes occur and what kinds, which is useful for both personal safety purposes and for evaluating police department operations. According to the government, the online system includes more than 70,000 registered crimes.²

However, the system has limitations. For example, two features of the online portal—the diagram and list features—were not functional when reviewed by the IRM researchers. According to the government, these features show more analytical information such as case detection rates, the kinds of places where crimes occurred, and the specific times and days of the week at which they occurred. Given that these features are not operational, citizens currently lack a detailed picture of when and where crimes occur. In addition, the system would benefit from more crime information, such as hotspots showing where crime is concentrated, crime rates over time, downloadable data, crime analysis by the police department, and warnings for citizens to avoid crime-ridden areas.

Commitment 3.3.3.2

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

Given that the database on law enforcement activities, crimes, and violation records is not public and is internal to government, this commitment did not contribute to a greater openness of government.

Carried forward?

These commitments are not included in Mongolia’s second action plan.

¹ Cabinet Secretariat of Government of Mongolia, *Mongolia Open Government Partnership National Action Plan 2014-2016, Final Self-Assessment Report 2016*, (Open Government Partnership, 2016), <http://bit.ly/2n4S5oZ>.

² Ibid.

Group 7. Increasing Public Integrity through Asset Disclosure

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

Start date: Not specified

End date: 31 December 2015

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

Start date: Not specified

End date: 31 December 2015

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

Supporting institutions: None specified

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

Commitment Overview	Specificity				OGP value relevance (as written)				Potential Impact				Com-pletion		Midterm		Did it open government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Completed	Worsens	Did not change	Marginal	Major	Outstanding
3.3.3.3: Random disclosure of assets			✓		✓		✓	✓				✓	✓					✓			
3.3.3.4: Asset publication in departments with high probability of corruption			✓		✓	✓	✓	✓				✓	✓					✓			

Commitment Aim

Given the limited capacity of the Anti-Corruption Authority to review the asset and financial disclosures of all public servants, these commitments sought to introduce a system of random disclosure of public assets and financial statements of public servants (3.3.3.3) and publish the asset and financial statements of officials working in institutions at high risk of corruption (3.3.3.4). In this way, the government would only analyze a random subset of public servants as well as those who work in areas at high risk of corruption, such as natural resources and land registration.

Status

Commitment 3.3.3.3

Midterm: Not started

Since May 2012, Mongolia has public integrity legislation embodied in the Anti-Corruption Law and Law on Prevention of conflict of interest in public service, as well as other related rules and regulations. As a result, declarations regarding the asset, financial statements, and conflict of interest are received from political and public servants and a summary of 240 government high-ranking

officials' information is supposed to be published. However, though the principle of preventing conflicts of interest is reflected in the law, it is rarely implemented.

Due to the limited government capacity to review all 40,000 public servant declarations, civil society organisations suggested introducing a system of random disclosure of public asset and financial statements of public servants in accordance with international laws and regulations. The Executive Director of the Open Society Forum and a member of the civil society working group of the OGP National Council made these recommendations during consultations on the action plan, and it was included in the plan with the support of other civil society organisations and the Anti-Corruption Authority. However, although the Independent Anti-Corruption Authority of Mongolia reports that it has been researching the idea, no activity occurred during the first year of the action plan's implementation.

End of term: Not started

In 2015 and 2016, the Anti-Corruption Authority published the asset and financial statements of 240 high-ranking officials on its website <http://iaac.mn>. Although this is a fraction of the 40,000 public servants who submitted their declarations in compliance with the Anti-Corruption Law, it attracted close attention from the media and public.¹ According to the government, only about one to two percent of all submitted declarations are examined annually by the Anti-Corruption Authority due to the time-intensive nature of manual processing.² Therefore, there is a need to either amend the Anti-Corruption Law to reduce the number of public servants who submit declarations, or create a system of random disclosure. By the end of the action plan, the system of random disclosure had not been created. Therefore, the commitment remained unfulfilled.

Commitment 3.3.3.4

Midterm: Not started

Similar to the previous commitment, this commitment targeted authorities with a high likelihood of corruption, such as officers from the Mineral Resource Authority, local administrative authorities, and land registration authorities. Some high-level state and administrative officers figure among the 240 government officials whose asset and financial statements were disclosed on <http://iaac.mn>. However, at the time of the midterm assessment, the declarations of lower-tier officials in general remained closed.

End of term: Not started

There was no progress on this commitment following the midterm assessment. Lower-tier public officer declarations remain closed. In addition, there is no evidence of the establishment of citizen monitoring of this information, as required by the commitment.

Did it open government?

Commitment 3.3.3.3

Access to information: Did not change

Public accountability: Did not change

The system of random disclosure of public asset and financial statements was not implemented during the action plan. Although the government published 240 asset declarations, these were not part of a system of random disclosure, and were therefore achieved outside of the framework of this commitment. As a result, the IRM researchers consider that this commitment did not change the status quo of open government.

Commitment 3.3.3.4

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

Given that the commitment was not started, and that the asset and financial statements of most public officials working in high-risk agencies are in general not disclosed, this commitment did not make any progress in terms of access to information. As for civic participation and public accountability, the citizen monitoring component of the commitment was not implemented.

Carried forward?

These commitments are not included in Mongolia's second action plan. Though the issue of random disclosure was among the 28 initial commitment proposals for the second plan, it was not included in the final version. Nonetheless, the new plan does include a commitment on fighting corruption by implementing a National Program for Combating Corruption.

¹ Oyungerel Munkhbat, "Who's the richest politician in Mongolia?" (The UB Post, 26 May 2016), <http://bit.ly/2oP7Dgo>.

² Cabinet Secretariat of Government of Mongolia, *Mongolia Open Government Partnership National Action Plan 2014-2016, Final Self-Assessment Report 2016*, (Open Government Partnership, 2016), <http://bit.ly/2n4S5oZ>.

METHODOLOGICAL NOTE

This report is based on a desk review of governmental programs, draft laws and regulations, governmental decrees, the government end-of-term self-assessment report, media sources and third-party reports. In addition, the IRM researchers conducted interviews with several stakeholders and subject matter experts to gain additional feedback on the commitments and results achieved. These interviewees are cited throughout the report.

Batbold Zagdragchaa and Tserenjav Demberel are open government experts and researchers. They prepared this report in an independent capacity. The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

