OPEN GOVERNMENT PARTNERSHIP

ARTICLES OF GOVERNANCE

For Public Comment (11 March – 11 April 2019)

Please do not Cite

I. BACKGROUND AND OBJECTIVES

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

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

II. PARTICIPATION

A. Becoming a Participant

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

1. Countries

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

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

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

All countries that take these steps are considered Participating Countries and are listed on the OGP website, unless they have subsequently withdrawn, or been deemed to have withdrawn, from OGP in accordance with the provisions of these Articles. The Support Unit (SU) maintains a list of all Participating Countries.

2. Civil Society

Civil Society Organizations can engage in the OGP process by becoming members of national OGP fora and/or by, helping to co-create, implement, and monitor Action Plans. They can also take part in the OGP summits, regional meetings, and other outreach events.

Furthermore, representatives of Civil Society Organizations can contribute to OGP by running for membership of the SC.

3. Private sector and other entities

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

B. Responsibilities of Participating Governments

1. Initial Undertakings

All Participating Counties undertake to do the following:

a. Endorse the Declaration;
b. Co-create an Action Plan through a multi-stakeholder process, with the engagement of citizens and civil society;
c. Make commitments, as part of an Action Plan, that are ambitious and go beyond a government's current practice;
d. Assess and report on their governments' performance in meeting their Commitments in the manner and with the frequency set out in Article V.A and to submitting to independent reporting on their governments' progress;
e. Contribute to the advancement of open government in other countries by sharing best practices, expertise, technical assistance, technologies and resources, as appropriate;
f. Make annual financial contributions to OGP in accordance with the provisions of Article VI.B; and
g. Participate in OGP events.

2. Continued Eligibility

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

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

3. Failure to Maintain Eligibility

If a Participating Country falls below the Core Eligibility Criteria, as reported to the Criteria and Standards Subcommittee (C&S) by the SU, it should take immediate and explicit steps to address the situation so that it meets the criteria within one year of that determination. If a country fails to meet the Core Eligibility Criteria within that one-year period, C&S will place the country under Procedural Review pursuant to Article II.B.4 below.

4. Acting Contrary to OGP Process: Procedural Review

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

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

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

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

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

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

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

When a country is placed under Procedural Review, C&S and the SU will provide enhanced support to help expedite the country's efforts to resolve the issues that resulted in the country being placed in that status. If a country under Procedural Review fails,

within a reasonable time, to make substantial progress on the problems that led to it being found to be acting Contrary to Process, as determined by the SU and confirmed by C&S, C&S may recommend to the SC that the country be designated Inactive by resolution of the SC.

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

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

5. Policy on Upholding the Values and Principles of OGP (the Response Policy)

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

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

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

6. *[Rapid Response Mechanism]*

[Should a situation arise in a Participating Country that, in the view of an SC member, a Multilateral Partner or any person or entity (other than an individual acting on his/her own behalf) who/which has been involved in OGP at the national or international level

and in the Participating Country concerned, threatens to undermine OGP's values, as set out in the Declaration, and requires an immediate response either as a prelude or in lieu of action to be taken under Articles II.B.4 and/or II.B.5 above, such SC Member, Multilateral Partner or person/entity may submit a request to the SU for an immediate response from OGP (a "Rapid Response Request") in accordance with the provisions of Addendum G.

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

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

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

III. GOVERNANCE STRUCTURE

A. Steering Committee (SC)

1. Composition

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

2. Selection of Members

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

a. Government

All Participating Countries participate in the election of all government members of the SC, except as may be provided otherwise in accordance with the provisions of these Articles and accompanying Addenda (see Articles II.B.4, II.B.5, VI.B and Addendum E. Voting is by secret ballot and proceeds according to procedures developed and distributed to Participating Countries by the SU. A third party, hired by the SU, administers the voting process.

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

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

1. Improved or maintained their Core Eligibility Scores since submitting a letter of intent to join OGP;
2. Acted in accordance with the Declaration;
3. Acted in accordance with OGP processes for the most recently completed Action Plan cycle (i.e. the country must not have acted Contrary to Process, as set out in Article II.B.4;
4. Paid their financial contribution to OGP, as set out in Article VI.B; and
5. Complied with the minimum Participation and Co-creation Standards set out in Addendum C.

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

b. Civil Society

The Civil Society Chairs coordinate the selection process for Civil Society members of the SC, including the establishment of a selection committee and procedures for its engagement. The selection of the new members takes place through a transparent and participatory process that invites inputs from OGP's civil society community and creates opportunities for input and engagement at each step of the process.

3. Term of Membership

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

be automatically extended for an additional year to serve the mandated two-year Chair term.

4. Responsibilities of Membership

SC members are expected to demonstrate their commitment to OGP's principles through their participation in the international initiative and their domestic environment. There is a special onus on the SC to lead by example for the entire OGP community.

Members of the SC will strive to avoid any actual or potential conflicts of interest and recuse themselves from making any decision where such interests are involved. The OGP Board of Directors will review and address any complaints and concerns related to the finances and budget execution of OGP by the SC and/or its members. The GL will handle all complaints concerning conflicts of interest related to any subcommittee or any member of any subcommittee, except for complaints concerning GL which will be handled by the SC.

5. Chairmanship

a. Four Chairs: Election and Rotation

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

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

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

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

b. Responsibilities

The Chairs' responsibilities include:

Leadership: Safeguarding the values and spirit of OGP, including promoting strategic collaboration and balance between Civil Society and governments and the

accountability of government to its citizens to uphold OGP principles. Leadership also includes mobilizing resources and support for the Support Unit.

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

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

Representation: The Lead Chairs represent and speak on behalf of OGP.

6. Meetings and Notices

The GL must give SC members at least four weeks' notice before any working-level SC meeting and eight weeks' notice before any ministerial-level meeting. The GL sets the agenda for every SC meeting and circulates a draft for review by the SC at least two weeks in advance. SC members must provide notice of the composition of their delegation at least one week before the SC meeting.

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

Pre-decision policy documents circulated for discussion at SC meetings will be published on the OGP website (along with agenda and participant lists) in line with the OGP Disclosure Policy outlined in Addendum D.

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

7. Decision-Making

Major policy decisions are made by the SC, in its meetings or by circular, when a meeting is not suitable. In making decisions, SC members will seek to develop consensus. Failing consensus, decisions will be made by simple majority (except where otherwise provided in these Articles or the Addenda thereto). In the case of a tied vote, the Lead Government Chair casts a second and determining vote. SC members may not vote by proxy if they are unable to attend voting sessions.

8. Quorum

A quorum is established when at least 50 percent of each constituency (governments and Civil Society) is present.

9. Social Media

Social media, including, but not limited to, Facebook and Twitter, is allowed at all SC meetings unless an SC member requests a closed session. Social media are expected to observe the rule of non-attribution to individual participants and photographs of individuals should not be published unless authorized.

10. Special Guests

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

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

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

11. Role and Functions

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

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

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

B. Steering Committee Subcommittees

1. General Role and Purpose

The SC has three standing subcommittees to support its work, the Governance and

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

2. Governance and Leadership (GL)

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

a. Overseeing the Support Unit and the other subcommittees;
b. Providing input regarding appointing the CEO and feedback regarding CEO performance;
c. Providing strategic direction to the CEO;
d. Working closely with the CEO to ensure that the SU has sufficient resources, and to present an annual budget to the SC for review;
e. Consulting with the CEO on the annual OGP work plan and budget to be presented to the SC for review;
f. [*Convening Rapid Response Mechanism Task Forces, as needed, pursuant to Article II.B.6];*
g. Consulting regularly between SC meetings and other OGP events to coordinate country outreach efforts, plan meetings, and otherwise further the interests of OGP;
h. Reviewing subcommittee membership and mandates annually to ensure the smooth functioning of the SC and an appropriate distribution of responsibilities;
i. Recommending to the SC individuals being considered for appointment to the Board of Directors; and
j. Providing advice on logistical decisions between SC meetings such as, details related to the OGP Global Summit.

3. Criteria and Standards (C&S)

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

a. Working with the SU and the SC to review and resolve situations where a Participating Country appears to and/or has acted Contrary to Process and or the Response Policy under Article II.B.4 and II.B.5;
b. Overseeing the SU's process for updating Participating Countries' Eligibility Scores as provided for in Article II.B.2 and Addendum A;
c. Providing periodic assessments of all OGP's response mechanisms to the SC;
d. Reviewing and updating OGP's policies and procedures; and
e. Keep a watching brief on the IRM to report on how the program is fulfilling its mandate and delivering independent, high quality and accurate reports. C&S also provides input in the IRM's selection of the International Expert Panel (IEP) and

the hiring of the IRM Program Director.

4. Thematic Leadership (TLS)

The TLS provides strategic oversight of OGP's strategy for advancing open government reform across priority themes and works closely with the SU to execute efforts to scale thematic ambition across the Partnership. The main role of TLS members is to advance open government reforms at the country level, catalyze a global race-to-the-top across OGP, and identify frontier thematic priorities for OGP. The TLS's functions include, but are not limited to:

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

C. Support Unit and CEO

1. Support Unit

The Support Unit (SU) is OGP's permanent secretariat and provides a secretariat function to all Participating Countries, and regular updates on OGP to all stakeholders. The SU reports to the SC through the GL.

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

a. Developing and executing an annual OGP Work Plan in close coordination with the GL;
b. Providing support to Participating Country governments to help connect them with the expertise, resources, and technology they need to develop and implement their Commitments. Such support may include helping Participating Country governments to partner with the Private Sector, Civil Society, academics, governments, and others to develop tools and frameworks in developing and implementing innovative and effective open government commitments;
c. Serving as secretary to the SC and subcommittees meetings, and to the Summit;
d. Maintaining OGP's institutional contacts and memory and ensuring the continuity of relationships with institutional partners, and contributors;
e. Managing OGP's brand and OGP's external communications in close consultation with the GL;

f. Preparing and publishing OGP's annual report on the OGP website;
g. Keeping track of all OGP documents, including the minutes of SC meetings, and of the Summit, and other related events, and publishing all minutes on the OGP website, in accordance with OGP's disclosure policy, as set out in Addendum D;
h. Annually updating countries' Eligibility Scores in accordance with the metrics set out in Addendum A;
i. Serving as a neutral, third-party between governments and Civil Society and ensuring that OGP maintains a productive balance between the two constituencies;
j. Collaborating with and supporting C&S and the SC in the review and resolution of situations where a Participating Country appears to and/or has acted Contrary to Process and or the Response Policy under Article II.B.4 and II.B.5 and Addendum E; and
k. Undertaking reviews and coordinating with the GL pursuant to *[the Rapid Response Mechanism under Article II.B.6] Addendum G [and providing C&S with periodic assessments of the Rapid Response Mechanism]*.

2. CEO

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

IV. OGP GLOBAL SUMMIT

A. Purpose

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

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

B. Invitations

The SU assists the Chairs in coordinating invitations to the Global Summit. Invitations are issued according to OGP-developed guidelines.

1. Countries

The Lead Chair issues invitations to the Summit to Participating Country and decides on the size of government delegations. For governments invited as observers, participation in

the Summit does not correspond with full participation in OGP.

2. Civil Society and Other Participants

Civil Society participation in the Global Summit, and all other OGP events, is based on the principle of open invitation.

The SU funds the travel of a certain number of Civil Society representatives from Participating Countries, contingent on available resources. The SU works with the Civil Society Chairs to establish a transparent process to identify the most appropriate participation for each country and publicizes the process for selecting Civil Society representatives from Participating Countries on the OGP website.

C. Agenda

The Lead Chairs, the GL and the SU develop the Global Summit agenda together. The agenda must be co-designed with input from with the community and OGP stakeholders. Each Global Summit session, including opening and closing plenary sessions, should strive for parity across government and civil society, be regionally diverse and gender balanced.

D. Funding

As outlined in the guidelines for organizing OGP events, the host government is responsible for the core costs of organizing the Global Summit and securing the necessary funding early in the planning phase. The host government is to consult with the SU to ensure that adequate resources will be allocated for the planning and execution of the Global Summit.

V. REPORTING PROCESSES

A. Countries

Action Plans should be of a two-year duration, although individual commitments contained in the Action Plans may be for more or less than two years, depending on the nature of the commitment. Each Action Plan should include one-year and two-year benchmarks, so that Governments, Civil Society, and the IRM (see Article V.B below), have a common set of time-bound metrics by which to assess progress. Subject to the SU Guidance, Action Plans may be updated based on ongoing consultations with Civil Society. All updates must be noted in the version of the Action Plan on the country's national website/webpage.

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

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

B. Independent Reporting Mechanism (IRM)

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

VI. LEGAL STATUS AND FUNDING

A. Legal Status

OGP operates as an independent public charity as defined under US law and the regulations of the US Internal Revenue Service. On April 1, 2018, OGP began operating as a not-for-profit organization in the District of Columbia. OGP's formal legal name is the Open Government Partnership Secretariat. The OGP Secretariat Board of Directors provides fiduciary and legal oversight over the SU and the IRM.

B. Funding

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

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

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

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

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

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

VII. DISCLOSURE POLICY

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

VIII. AMENDMENTS

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

IX.   Addenda

Addendum A: Country Eligibility for the Open Government Partnership

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

Countries can earn a total of 16 points for their performance against the following minimum standards of open government ("Core Eligibility Criteria"). As some of the metrics do not cover all countries, some countries are only measured on three criteria (and can earn up to 12 points). To pass the Core Eligibility Criteria, countries must score at least 75% of the total possible points available to them (e.g. 12 out of 16 or 9 out of 12). In addition to the Core Eligibility Criteria, countries must pass the OGP "Values Check" described below in order to participate in OGP:

A. Core Eligibility Criteria:

1. Fiscal Transparency

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

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

2. Access to Information

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

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

3. Disclosures Related to Elected Public Officials

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

Measurement: 4 points awarded to countries with a law requiring disclosure and has any requirement that the information should be accessible to the public, 2 points awarded to countries

with a law requiring asset disclosures, 0 points for no law on asset disclosure. The source for the information on asset disclosures is the World Bank's Public Officials Financial Disclosure database, which is updated on a rolling basis. The database is supplemented by a published survey the World Bank conducts every two years.

4. Citizen Engagement

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

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

B. OGP Values Check
The implementation of a 'Values Check' assessment is an effort to ensure that new countries joining OGP adhere to the democratic governance norms and values set forth in the Open Government Declaration. The Values Check only applies to countries that are yet to join OGP and does not affect existing participating countries.

Measurement: To assess the Values Check, OGP employs two indicators from the <u>Varieties of Democracy 'Dataset on Democracy'</u> (V-Dem). In the V-Dem dataset, countries are scored 0-4 for each indicator where 4 is the highest and 0 is the lowest score. In assessing these indicators, OGP has elected to consider the ordinal scores from the V-Dem dataset. **To pass the Values Check, countries must score three or higher on at least one of the following two V-Dem indicators:**

1. **CSO entry and exit** - Measures the extent to which the government achieves control over entry and exit by civil society organizations (CSOs) into public life

    4 points: <u>Unconstrained</u> - Whether or not the government licenses CSOs, the government does not impede their formation and operation unless they are engaged in activities to violently overthrow the government.

    3 points: <u>Minimal Control</u> - Whether or not the government licenses CSOs, there exist constitutional provisions that allow the government to ban organizations or movements that have a history of anti-democratic action in the past. Such banning takes place under strict rule of law and conditions of judicial independence.

    2 points: <u>Moderate control</u> - Whether the government ban on independent CSOs is partial or full, some prohibited organizations manage to play an active political role. Despite its ban on organizations of this sort, the government does not or cannot repress them, due to either its weakness or political expedience.

    1 point: <u>Substantial control</u> - The government licenses all CSOs and uses political criteria to bar organizations that are likely to oppose the government. There are at least some

citizen-based organizations that play a limited role in politics independent of the government. The government actively represses those who attempt to flout its political criteria and bars them from any political activity.

0 points: <u>Monopolistic control</u> - The government exercises an explicit monopoly over CSOs. The only organizations allowed to engage in political activity such as endorsing parties or politicians, sponsoring public issues forums, organizing rallies or demonstrations, engaging in strikes, or publicly commenting on public officials and policies are government-sponsored organizations. The government actively represses those who attempt to defy its monopoly on political activity.

2. **CSO repression** - Measures the extent to which the government attempts to repress civil society organizations (CSOs)

   4 points: <u>No.</u> Civil society organizations are free to organize, associate, strike, express themselves, and to criticize.

   3 points: <u>Weakly.</u> The government uses material sanctions (fines, firings, denial of social services) to deter oppositional CSOs from acting or expressing themselves. They may also use burdensome registration or incorporation procedures to slow the formation of new civil society organizations and sidetrack them from engagement. The government may also organize Government Organized Movements or NGOs (GONGOs) to crowd out independent organizations.

   2 points: <u>Moderately.</u> In addition to material sanctions outlined in response 3 below, the government also engages in minor legal harassment (detentions, short-term incarceration) to dissuade CSOs from acting or expressing themselves. The government may also restrict the scope of their actions through measures that restrict association of civil society organizations with each other or political parties, bar civil society organizations from taking certain actions, or block international contacts.

   1 point: <u>Substantially.</u> In addition to the kinds of harassment outlined in responses 2 and 3 below, the government also arrests, tries, and imprisons leaders of and participants in oppositional CSOs who have acted lawfully. Other sanctions include disruption of public gatherings and violent sanctions of activists (beatings, threats to families, destruction of valuable property).

   0 points: <u>Severely.</u> The government violently and actively pursues all real and even some imagined members of CSOs. They seek not only to deter the activity of such groups but to effectively liquidate them.

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

Because data is not available for all countries – and recognizing the fact that countries may improve their performance before data sources are updated – countries may submit documentation of their progress on any of the eligibility areas to the Support Unit so that an ad-hoc assessment be coordinated.

The C&S is to periodically assess if the metrics used for the Eligibility Criteria need to be updated, changed, or complemented by other indicators. The SC and the IRM are to also work to identify and/or develop better metrics for the Eligibility Criteria as necessary.

Addendum B: OGP Commitments

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

Governments should begin their OGP action plans by sharing existing open government efforts, including specific strategies and ongoing programs. Action plans should then set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to key areas of open government. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. Commitments in action plans should be ambitious in nature. An ambitious commitment is defined as one that, once completed, will show a demonstrable advancement from action plan to action plan in the areas of openness, transparency, civic participation, and accountability. In the context of pre-existing commitments, ambition is defined as expediting the time frame for completion of the stated goals of a commitment.

OGP recognizes that all governments start from different baselines. Governments are encouraged to co-create concrete commitments that most relate to their unique contexts. No action plan, standard, or specific commitments are to be forced on any government.

All OGP commitments should reflect four core open government principles:

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

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

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

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

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

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible.

Addendum C: OGP Participation and Co-Creation Standards

1. Introduction

Civic participation is a core component of open government, and an essential element of the national OGP cycle. The OGP Articles of Governance state that 'OGP participants commit to developing their country action plans through a multi stakeholder process, with the active engagement of citizens and civil society'.

This requirement is not set because of a lofty principle, but to reflect the realities of making open government reforms work. Put simply, the collaboration of citizens, civil society, political and official champions and other stakeholders is essential to developing, securing and implementing lasting open government reforms.

These participation and co-creation standards are intended to support participation and co-creation at all stages of the OGP cycle. They are intended for use by governments, civil society and any other stakeholders to understand OGP' basic expectations, the minimum of what is expected of a national OGP process, and the more ambitious standard that countries should be striving for. As such, they:

- Make OGP requirements more specific and easier to follow;
- Introduce a stronger focus on the quality of engagement; and
- Provide guidance on the ongoing dialogue between government and civil society in all phases of the OGP cycle.

These standards are not intended as detailed guidelines on running an OGP process and should therefore be read and adopted alongside OGP's supporting material. This includes the Points of Contact Manual, handbook on 'Designing and Managing an OGP Multistakeholder Forum' and additional guidance on the OGP Participation & Co-creation Standards to be published in 2017.

1.1 Principles

The guidelines are based on evidence and experience built up over a number of decades across many country contexts of the essential components of strong participatory processes. They build on globally recognized principles of good engagement, such as the IAP2 Core Values:

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.

7. Public participation communicates to participants how their input affected the decision.

1.2 Structure OGP Participation & Co-creation Standards

1.2.1. Basic vs. advanced standards
The standards are divided into two overarching sections outlining basic requirements - the standard all countries are expected to meet - and advanced steps - the standard countries should strive for:

Basic requirements - All OGP member countries are expected to meet the basic requirements outlined in the standards unless they can present a compelling reason for adopting an alternative approach that can be judged to be of a comparable or greater standard.

Advanced steps - Countries are not obliged to meet the advanced steps, but will be supported and encouraged to do so.

Countries are expected to improve the quality of each cycle of the national OGP process, complying with more of the advanced steps outlined in these standards and moving from consult to collaborate on the IAP2 Spectrum.

1.2.2 Action plan cycle
The standards are in turn divided into three sections according to the stage of the OGP cycle:

Throughout the OGP cycle - These standards outline what is expected of governments and other stakeholders involved in leading their national OGP process throughout the full action planning cycle.

When developing a National Action Plan - These standards outline what is expected of governments and other stakeholders involved in leading their national OGP process during the development and publication of a National Action Plan.

When implementing, monitoring and reporting on a National Action Plan - These standards outline what is expected of governments and other stakeholders involved in leading their national OGP process during the implementation, monitoring and reporting of a National Action Plan.

1.2.3 Participation and co-creation components
Finally, the standards are further organized around three essential elements of a participation and co-creation process:

Dissemination of information - The public, civil society and other relevant stakeholders should be provided with timely information about all aspects of the national OGP process, including feedback on how their inputs are taken into account.

Spaces and platforms for dialogue and co-creation - An inclusive and ongoing dialogue should be facilitated using a variety of spaces and platforms appropriate to the country context.

Co-ownership and joint decision making - Government, civil society and other stakeholders should jointly own and develop the process.

1.2.4 Measuring compliance, performance and ambition
The IRM will assess country performance in the following ways and levels.

Minimum requirements to have a consultation in line with OGP process. A subset of the detailed basic requirements will be used as proxy indicators for acting in line with the OGP process.

Performance assessment - The IRM will use metrics associated with each requirement to assess the performance of a country on the OGP Participation and Co-creation standards. A more detailed methodology to accompany the new standards will be developed by the IRM team together with the IEP. The assessment will also describe where a country is using alternative/innovative approaches that are comparable to the standards.

Ambition - The IRM will assess if countries are taking any advanced steps, including what level of the IAP2 spectrum a country meets both during the development of a new NAP and during implementation of the NAP.

2. Standards

2.1 Basic Requirements

All OGP countries are expected to meet the basic requirements outlined in this section.

Throughout the OGP cycle... Dissemination of information

- There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published. The website or webpage should be visible, accessible and searchable.
- The lead agency and point of contact for OGP is clearly identified and their contact details are publicly available on the national OGP website/webpage.
- The government publishes OGP information and documents in all administrative languages.
- Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g. links to databases, evidence of meetings, publications).
- The government communicates information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.

Spaces and platforms for dialogue and co-creation
- A multi-stakeholder forum is formed to oversee the OGP process. It meets on a regular basis (i.e. at least every quarter) in person or remotely, as appropriate.
- The government and/or multi-stakeholder forum accepts inputs and representation on the NAP process from any civil society or other stakeholders.
- Opportunities for remote participation are provided for at least some meetings and events to enable the inclusion of groups unable to attend in person.
- The government facilitates a mechanism for direct communication with stakeholders to respond to NAP process questions, particularly during times of intense OGP activity.

Government keeps a record of communications and responses to make available to the IRM researcher.
- The government and/or multi-stakeholder forum conducts outreach and awareness raising activities to relevant stakeholders (e.g. citizens, civil society organizations, government departments, subnational governments, parliament, academics, private sector, etc.) to inform them of the OGP process.

Co-ownership and joint decision making
- Members of the multi-stakeholder forum jointly develop its remit, membership and governance (e.g. frequency of meetings, who sets the agenda, how decisions are made, how conflicts are managed, the level of detail of minutes, and decision- making authority), which are communicated on the national OGP website/webpage.
- The multi-stakeholder forum includes an even balance of governmental and non-governmental representatives.
- Non-governmental members of the multi-stakeholder forum are selected through a fair and transparent process. The forum's rules should allow non-governmental members to lead their own selection process.
- The multi-stakeholder forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders.
- The multi-stakeholder forum includes high-level representatives with decision making authority from government to ensure it is sufficiently empowered to take action (e.g. the Ministerial level OGP point of contact).

When developing a National Action Plan…

Dissemination of information
- The government or multi-stakeholder forum proactively communicates, via the national OGP website/webpage and other channels of communication used in the country, with adequate notice, the process for the development of the NAP. This should include a timeline of key stages and deadlines; opportunities to be involved (e.g. details of meetings, events, written consultations, feedback mechanisms); and the decision-making process for agreeing commitments and finalizing the NAP.
- The government publishes, via the national OGP website/webpage, regular (i.e. at least every month) progress updates on the development of the NAP, including notes of events, drafts of commitments, and other relevant information.
- The government publishes an overview of public and civil society contributions, and the government's response, on the national OGP website/webpage.

Spaces and platforms for dialogue and co-creation
- The government, guided by the multi-stakeholder forum, provides opportunities to any interested stakeholders (e.g. citizens, civil society organizations, government departments, subnational governments, parliament, academics, private sector, etc.) to participate in the development of the NAP.
- The government provides adequate background information (e.g. about open government, the OGP, the scope of the NAP, and development process), to participants in order that they can participate in an informed manner. This should be provided via the national OGP website/webpage and at meetings/events.

- The government or multi-stakeholder forum develops an appropriate methodology for the consultation. This should include an appropriate combination of open meetings and online engagement for the country context, involve groups throughout the country, and be open for an adequate duration.
- The government publishes and collects feedback on draft commitments. This information should be available and disseminated (i.e. via the national OGP website/webpage and other appropriate channels), include a range of options for stakeholders to respond (e.g. written responses, online discussions, surveys, face-to-face or remote meetings), and be open for an adequate duration (e.g. at least 2 weeks).

Co-ownership and joint decision making
- The multi-stakeholder forum meets frequently (e.g. at least once a month), and discusses, agrees and oversees the NAP development process (e.g. number of events, location, format).
- During the development of commitments, government representatives discuss with other members of the multi-stakeholder forum the government's priorities for commitments and the political feasibility of adopting civil society priorities and proposed commitments.
- Once commitments have been drafted, government representatives review with the multi-stakeholder forum their comments, the final selection of commitments to be included in the NAP and state clearly their reasoning behind decisions.

When implementing, monitoring and reporting a National Action Plan…
Dissemination of information
- The government publishes via the national OGP website/webpage regular updates (i.e. at least every six months) on the progress of commitments, including progress against milestones, reasons for any delays, next steps. This is in addition to publishing self-assessment report.
- The website/webpage should have a feature to allow the public to comment on progress updates.

Spaces and platforms for dialogue and co-creation.
- The government holds at least two open meetings with civil society (one per year) on the implementation of the NAP.
- The government shares the link to the IRM report with other government institutions and stakeholders to encourage input during the public comment phase.

Co-ownership and joint decision making
- The multi-stakeholder forum monitors and deliberates on how to improve the implementation of the NAP.
- The government submits its self-assessment report to the national multi-stakeholder forum for comments and feedback on the content of the report.

2.2 Advanced Steps

Throughout the OGP cycle... Dissemination of information

- The government and/or multi-stakeholder forum publishes information and documents in plain and accessible language that can be understood quickly, easily and completely.

- The government and/or multi-stakeholder forum uses a range of channels commonly used by citizens, civil society and other stakeholders, including traditional and new media (e.g. newspapers, television, radio, email, Facebook, Twitter, YouTube, WhatsApp, Slack, etc.) as appropriate, for awareness raising and dissemination of progress updates.
- The government and/or multi-stakeholder forum conduct targeted outreach to relevant stakeholder groups to raise awareness of open government, the OGP and opportunities to get involved.
- The government and/or multi-stakeholder forum use visualizations, infographics, videos or other appropriate media to communicate relevant information and updates on the process and its outcomes to a non-expert audience.

Spaces and platforms for dialogue and co-creation
- The multi-stakeholder forum has a strategy to bring in additional government and non-government actors into the OGP process.
- The multi-stakeholder forum coordinates multiple face-to-face outreach and engagement events around the country, which are open and accessible to any interested members of the public, civil society and other stakeholders to attend (e.g., at suitable times and locations).
- An online forum is established to enable ongoing discussion across stakeholders involved in the OGP process.

Co-ownership and joint decision making
- The multi-stakeholder forum is jointly chaired by government and civil society.
- The multi-stakeholder forum includes a variety of government and non-government actors (e.g. citizens, civil society organizations, government departments, subnational governments, parliament, academics, private sector, etc.) that bring in a diverse range of views.
- The multi-stakeholder forum acts in a decision-making capacity, with key decisions regarding the process and content of NAPs made jointly by its members.
- Members of the multi-stakeholder forum commit to ethical standards (e.g. honesty, transparency, avoidance of conflicts of interest, and acting in the public interest) through signing an ethics statement and conflict of interest declaration, with clear sanctions in the case of breach.

When developing an action plan... Dissemination of information
- The government and/or multi-stakeholder forum uses a range of channels commonly used by citizens, civil society and other stakeholders, including traditional and new media (e.g. newspapers, television, radio, email, Facebook, Twitter, YouTube, WhatsApp, Slack, etc.) as appropriate, to publicize the NAP development process and opportunities to get involved.
- The government and/or multi-stakeholder forum publishes all written contributions (e.g. consultation responses) to the NAP development on the national OGP website/webpage.
- The multi-stakeholder forum publishes, via the national OGP website/webpage, its reasoning behind the selection of commitments in the NAP, including justifications for commitment proposals not adopted.

Spaces and platforms for dialogue and co-creation

- The multi-stakeholder forum engages civil society and other stakeholders in setting the agenda for the NAP. This may include selecting thematic priorities, identifying problems to resolve and/or suggesting ideas for commitments.
- The multi-stakeholder forum ensures there are a range of opportunities available for civil society and other stakeholders to engage with developing the NAP, including a programme of outreach and engagement events around the country and online discussions.
- The multi-stakeholder forum oversees the formation of working groups including relevant stakeholders from government, civil society and beyond to discuss and refine ideas into full draft commitments.
- The multi-stakeholder forum collects feedback from stakeholders on the draft NAP. This should be well publicized, include a range of options for stakeholders to respond (e.g. written responses, online discussions, surveys, face-to-face or remote meetings), and be open for an adequate duration.

Co-ownership and joint decision making
- The national multi-stakeholder forum jointly designs and agrees the NAP development process (e.g. number of events, location, format), though government retains ultimate responsibility for the quality of the process.
- Commitment proposals are assessed by the multi-stakeholder forum through an open and transparent process. All parties have equal veto power over commitments included in the NAP.
- Government and civil society, via the multi-stakeholder forum, jointly agree the commitments to be included in the NAP.

When implementing, monitoring and reporting a National Action Plan…
Dissemination of Information
- The multi-stakeholder forum oversees the publication of regular joint government-civil society updates on the progress of commitments in addition to government self-assessment reports.
- The government publishes a dashboard on the national OGP website/webpage that provides up to date information on the status of all commitments in an accessible and easy-to-understand format for an average citizen.

Spaces and platforms for dialogue and co-creation
- The government holds at least a four-week public consultation on its self-assessment and proactively disseminates and promotes the public comment period through multiple channels (e.g. mailing lists of participants during NAP development and the national OGP website/webpage).
- Government provides members of civil society, through the national multi-stakeholder forum or otherwise, with regular (i.e. at least biannual) opportunities to meet with the responsible minister to review progress, the government self-assessment and IRM reports.
- Government provides an interactive space on the national OGP website/webpage for stakeholders to discuss the progress of commitments, and government responds to questions/issues within 20 days.
- If the IRM report is publicly launched, the government sends a high-level representative (i.e. minister or senior official) responsible for the OGP to discuss the findings in open dialogue with other participants.

Co-ownership and joint decision making
- Working groups including a range of relevant stakeholders are formed for implementing and monitoring each commitment, with their members selected through an appropriate method (e.g. by the multi-stakeholder forum or through an open call).
- Government proactively organizes frequent (i.e. at least quarterly) meetings of each working group, who produce regular (i.e. at least biannual) jointly agreed progress updates on the implementation of the commitment. These updates should form the basis for the government self-assessment report.

Addendum D: OGP Disclosure Policy

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

The information that is to be made available proactively includes:

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

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

Implementation and related activities:
- Names of all OGP participating governments and associated letters of intent: *This information is to be posted within one week of receiving the letter of intent from a new country.*
- Government end-of-term self-assessment reports: *Reports are to be made public for every country no later than four months after the end of each action plan implementation, based on guidelines communicated by the Support Unit.*
- Independent Reporting Mechanism: *Assessments are to be made public for each country no later than four months after the first full year of OGP implementation (with the exception of the founding eight countries, for which IRM reports are to be made public in*

> *September 2013). After the first round of IRM reports for each country, the IRM will move to a biannual calendar, and all reports will be made public on the OGP website.*

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

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

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

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

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

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

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

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

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

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

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

These exceptions, apart from the second exception, are to no longer apply after five years. In exceptional cases, where specific and persuasive reasons for this are given, information may remain confidential beyond this five-year period. When the overall public interest in disclosure is greater than the risk of harm to the interests protected by the exceptions, OGP intends to disclose the information.

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

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

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

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

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

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

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

OGP is to produce an annual report, which is to include an update on the implementation of this policy. This update is to outline the efforts OGP has made in the areas of proactive disclosure and responding to requests (including any statistical information about requests such as how many have been lodged, how they have been responded to, and so on) and describe any challenges faced.

Addendum E: Policy on Upholding the Values and Principles of OGP (the Response Policy)

Agreed by the Steering Committee, September 20, 2017

Defined terms used herein have the meanings set out in Section VII below.

I. Rationale

1.   The purpose of the Response Policy is to maintain OGP's credibility - and safeguard its long-term future - by helping to ensure that all Participating Countries uphold OGP values and principles, as expressed in OGP's foundational documents, the Open Government Declaration and the Articles of Governance.

2.   The Policy applies in exceptional circumstances only, when a Participating Country appears to be taking actions that undermine the values and principles of OGP in a way that demonstrates an egregious and blatant disregard for those values and principles.

3.   The Policy enables OGP to react to conduct by Participating Countries that contradicts the Declaration.

4.   The aim of actions OGP takes pursuant to the Policy will be to:

(1)   Assist the Subject to overcome difficulties and to help re-establish an environment more conducive to government and civil society collaboration; and

(2)   Safeguard the Declaration and mitigate reputational risks to OGP.

II. Triggering an Inquiry

1.   An inquiry may be triggered by one of the following persons or entities filing a Concern:

(1)   An SC member - government or civil society.

(2)   A Multilateral Partner or Working Group co-anchor.

(3)   Any entity (other than an individual acting on his or her own behalf) which is, or has been, involved in OGP at the national or international level *and* in the country that is the subject of the concern (the Subject).

2.   All Concerns should be addressed to the Steering Committee and submitted to the Support Unit for initial review.

3.   All Concerns should include the information specified in Annex 1 to the Response Policy Procedures and Protocols *(Letter of Concern Requirements).*

III. Establishing the Relevance of a Concern

A. Initial Review of the Eligibility of a Concern

1. Following its receipt of a Concern, the SU will send an acknowledgement to the filer(s), of the Concern and inform C&S and the Subject, in writing, that the Concern has been received.

2. The SU will conduct an initial review of all Concerns to determine whether they meet the eligibility criteria for a Response Policy inquiry. Specifically, the SU will determine:

(a) Sufficiency of Information Provided in Concern

Only Concerns that provide the information specified in Annex 1 to the Response Policy Procedures and Protocols *(Letter of Concern Requirements)* can trigger a Response Policy inquiry.

(b) Filer Eligibility

Only Concerns submitted by a person or entity listed in Section II (I) of the Response Policy as eligible to submit a Concern can trigger a Response Policy inquiry.

(c) Subject Eligibility

Only Concerns submitted in respect of countries that have not been designated by OGP as Inactive under a Procedural Review either at the time the Concern is submitted; or at any point during the Response Policy review process, can trigger a Response Policy inquiry and/or sustain a Response Policy review.

(d) Inadequacy of Alternative Accountability Mechanisms

Only Concerns that cannot or will not be addressed by the IRM or the Procedural Review mechanism may trigger a Response Policy inquiry.

3. The SU will dismiss Concerns that are, or become, ineligible under Section III.A.2 above; inform the filer(s) of the Concern and the Subject of the reasons for the dismissal; and inform C&S about the Concern's receipt and disposition.

B. Review of the Merits of a Concern

1. If the SU finds that the Concern is eligible to trigger a Response Policy inquiry, it will notify C&S, the filer(s) of the Concern, and the Subject that OGP is proceeding with a review of the Concern and ask the government of the Subject for a formal response to the issue(s) raised in the Concern.

2. Following the notifications referred to in Subsection B (1) above, the SU will begin a review of the merits of the Concern in collaboration with, and under the oversight of, the C&S Co-Chairs, and the C&S Co-Chairs will inform the Governance and Leadership Subcommittee that the review is under way.

3. The review of the merits of a Concern will include the following steps:

(a) Establishing the veracity of the information provided in the Concern by cross-referencing Concerns with government, civil society, IRM researchers and third parties, including, but not limited to, UN bodies likely to have relevant information and informed views on the issue(s) under review.

(b) Establishing the degree to which the behavior that forms the basis of the Concern undermines the Subject's commitment to the principles of the Open Government Declaration and OGP's Articles, i.e., thereby calling into question the authenticity of the Subject's OGP participation.

(c) Checking previous OGP data points on the Subject, including, but not limited to, cross-referencing with the findings of the most recent IRM report on the Subject, including the national context section of that report.

(d) Assessing whether an OGP intervention could have the desired impact in the subject country (Subject) and whether such an intervention is necessary to protect the credibility of OGP.

(e) Consideration of whether a visit by the SU to the Subject to discuss the issues raised in the Concern with pertinent parties is appropriate.

4. The C&S Co-Chairs, with input from the SU, will secure external assistance with the review of Concerns, as needed, in accordance with procedures set out in Annex 2 to the Response Policy Procedures and Protocols *(Engaging External Assistance for Response Policy Cases)* for that purpose.

5. After the review referred to in Section 3 (a) - (e) above has been completed, and OGP has received a formal response from the Subject regarding the Concern or, failing receipt of a response from the Subject, allowed a reasonable time (as set by the Response Policy Procedures and Protocols) for such a response to be provided, the C&S Co-Chairs will prepare a review report on the Concern for C&S's consideration and adoption.

6. The review report will include the Subject's response, or notification that no response has been received, as the case may be, and a list of all sources of information used in the review process. The report will also include a set of findings resulting from the review, and a recommendation for how C&S should address the Concern.

7. The final decision on how to handle all Concerns that are eligible for Response Policy review will be C&S's responsibility.

8. If C&S does not agree with the conclusions of the review report with respect to a Concern, C&S may return the report to the C&S Co-Chairs for revision or further investigation, as C&S may decide. If C&S cannot reach consensus on the adoption of a review report, C&S will take a vote on whether to adopt the report. A two-thirds majority will be required in order for a report to be adopted. If a review report is not adopted, the Concern will be deemed closed.

9. If the review report concludes that the issue(s) raised in the Concern are being satisfactorily addressed domestically, and C&S agrees with the report's conclusion, C&S will adopt the review report. The SU will inform the filer(s) of the Concern, and the Subject, of C&S's conclusion, and provide them with a copy of the review report. OGP will take no further action regarding the Concern.

10. If the review report concludes that the issue(s) raised in the Concern have merit and are not being satisfactorily addressed domestically, the C&S Co-Chairs will include recommendations for Stage One Actions (as defined in Section V.A below) in the report. If C&S agrees with the report's conclusion, C&S will adopt the review report and inform the SC of the report's conclusion immediately upon adoption of the review report. The SU will inform the filer(s) of the Concern, and the Subject of C&S's conclusion and provide them with a copy of the review report.

11. If the Subject responds to the review report and informs OGP that it disagrees with the finding(s) and or conclusion(s) of the report, C&S may take the Subject's response into account in the final framing and implementation of Stage One Actions.

12. If the Subject fails to respond to the review report and such failure continues during the Stage One Action period, the C&S Co-Chairs will inform C&S to that effect and C&S will recommend to the SC that one or more Stage Two Actions be taken, specifying what form C&S believes such action should take.

IV. Types of Issues that May Form a Relevant Concern

1.   The kinds of issues that have the potential to be sufficiently damaging to OGP values and principles to trigger a Response Policy review include, but are not limited to, the introduction of new or revised policies, practices or actions that significantly reduce any of the following:

(a) Access to information for citizens and civil society;

(b) The space for non-governmental organizations to work independently, voice critiques, and/or receive funding from domestic or international sources (e.g. new NGO laws);

(c) Enjoyment of fundamental freedoms, notably freedom of expression and peaceful assembly, and association; and/or

(d) Online or offline media freedom, or media ownership and independence.

V. The Process of Acting on a Concern

A. Stage One Actions

1. After C&S informs the SC that C&S has concluded in its review report that a Stage One Action is warranted, Stage One Actions will proceed.

2. Members of C&S, the Co-Chairs, the SU, and other interested SC members, may carry out one or more of the following without the approval of the full SC:

(1) Engage in or broker diplomatic outreach to the government of the Subject at the official and/or political level. Such efforts may include outreach and engagement by the C&S Co-Chairs. The SU will coordinate such outreach.

(2) Offer to broker technical assistance to help the Subject to address the issues raised in the Concern;

(3) Contact Multilateral Partners active in the Subject to help address the issues raised in the Concern;

(4) Invite the Subject to work with the SU and C&S to establish a work plan with regular check-ins and a timeline for the Subject to address the situation, where applicable.

3. After a Stage One Action is initiated, the Subject will be given a reasonable period of time to address the issues raised in the Concern and verified by the review report. The time period that qualifies as *reasonable* in this context will vary depending upon the agreed upon work plan and timeline (if applicable) for addressing the particular situation, but will generally range from a minimum of approximately six (6) months to a maximum of approximately two (2) years.

4.   Throughout the period of a Stage One Action, the C&S Co-Chairs and the SU will endeavor to remain in communication with the Subject regarding the Subject's progress and will attempt to solicit feedback from the Subject.

B. Stage Two Actions

1. At the end of the time period provided for in the Stage One Action, the C&S Co-Chairs will prepare a report for C&S's consideration, assessing whether the Subject has sufficiently addressed the issues raised, such report to be referred to as an *Assessment of Stage One Actions.* If the C&S Co-Chairs believe that the issues raised in the Concern have been adequately addressed by the Subject, the assessment will include a recommendation that the case be closed. If the C&S Co-Chairs believe that the issues raised in the Concern have not been adequately addressed by the Subject, the assessment will include recommended actions for a Stage Two Action.

2. The final decision on whether the issues raised in a Concern have been adequately addressed during the Stage One Actions will be C&S's responsibility. In discharging that responsibility, C&S may ask the C&S Co-Chairs for further information concerning the conclusions reached in the Assessment of Stage One Actions report, and to supplement and/or amend such assessment as C&S sees fit.

3.   If C&S does not agree with the conclusions of the C&S Co-Chairs' Assessment of Stage One Actions report with respect to a Concern, C&S may return the assessment to the C&S Co-Chairs for revision or further investigation, as C&S may decide. If C&S cannot reach consensus on the adoption of an Assessment of Stage One Actions report, C&S will take a vote on whether to adopt the report. A two-thirds majority will be required in order for an Assessment of Stage One Actions report to be adopted. If a report is not adopted, the report

will be returned to the C&S Co-Chairs to be revised to reflect conclusions for which a two thirds majority approval can be reached.

4. If C&S concludes that the issues in a Concern have been adequately addressed during the Stage One Action, the case will be closed and C&S will inform the SC to that effect, and instruct the SU to inform the Subject and the filer(s) accordingly. If C&S concludes that the Subject has not adequately addressed the issues raised in a Concern, C&S will so inform the Governance and Leadership Subcommittee and the SC, and recommend to the SC that one or more Stage Two Actions be taken. C&S will specify what form it believes such action should take.

5. A Stage Two Action may consist of one or more of the following actions:

(1) The SC Co-Chairs, on behalf of the SC, invites the government principal of the Subject to attend a special session of the SC to discuss the situation and its possible consequences for the Subject's participation in OGP.

(2) The SC Co-Chairs, on behalf of the SC, write a letter to the government principal of the Subject informing him/her that the Subject will be listed as suspended from OGP until the Concern is resolved. The letter will explain;

(a) what actions and what level of engagement OGP expects of the Subject in order to resolve the issues raised in the Concern to the point where the Subject is no longer suspended and returns *either* to Stage One Action status, or to regular Participating Country status, detailing which actions by the Subject will lead to which status, and the timeframe within which such actions and/or engagement must occur;

(b) that failing a response by the Subject that warrants a change of status under (a) above, the suspension of the Subject from OGP will become permanent and the Subject will be deemed to have ceased being a Participating Country.

6. While the C&S Co-Chairs are formulating recommendations regarding the most appropriate form of Stage Two Actions to take, and throughout the period of Stage Two Actions, the C&S Co-Chairs and the SU will endeavor to remain in communication with the Subject and will attempt to solicit feedback from the Subject.

7. When a Participating Country is suspended from OGP pursuant to the Response Policy, such country;

(a) will not be entitled to recover dues paid to OGP covering the period of suspension. (Dues owed, but not paid, during the period of suspension, will be due and payable following termination of the suspension);

(b) will not be eligible to vote in SC elections;

(c) will only be allowed to attend OGP events as an observer for learning purposes; and

(d) will be designated as suspended on the OGP website and in all OGP public information materials concerning such country.

VI. Disclosure Policy

1. To the greatest extent possible, and consistent with the need to make adjustments to protect all parties involved, as determined by C&S, upon the recommendation of the SU, the Response Policy process will be carried out in accordance with OGP's Disclosure Policy.

VII. Definitions

A. *"Articles of Governance"* or *"Articles"* are the terms and conditions that govern the Open Government Partnership approved and agreed by Participating Countries in June 2012, as most recently amended February 2019.

B. *Assessment of Stage One Actions* report is a report the SU prepares for C&S assessing the outcome of Stage One Actions, as provided for in Section V (B) of the Response Policy.

C. *"Concern" or Letter of Concern"* is a written submission (which may be in electronic form) that sets out how the actions of a Participating Country are undermining the values and principles of OGP. Annex 1 to the Response Policy Procedures and Protocols details the information required to be included in a Concern.

D. *"C&S"* or *"Criteria and Standards Subcommittee"* is one of the Steering Committee's three standing subcommittees established pursuant to Article III.B of the Articles of Governance.

E. "*C&S Co-Chairs"* are a revolving two-member co-chairmanship team of C&S.

F. *"Declaration" or "Open Government Declaration"* is the declaration of commitment to upholding the principles of open and transparent government, approved by the founding countries of OGP in 2011 that Participating Countries are required to endorse pursuant to Article II.A of the Articles of Governance in order to participate in OGP.

G. *"Disclosure Policy"* is OGP's policy concerning the dissemination of information by OGP, approved by the SC, and set out in Addendum D to the Articles of Governance.

H. *Governance and Leadership Subcommittee* is one of the SC standing subcommittees established pursuant to Article III.B of the Articles of Governance.

I. *"Inactive"* is a membership status that may result from a Procedural Review.

J. *"Independent Reporting Mechanism"* or *"IRM"* is the independent accountability mechanism which is established and operates pursuant to the provisions of Addendum F to the Articles of Governance.

K. *"Multilateral Partner"* is a multilateral organization that has pledged support to OGP member countries to promote open government and increase accountability.

L. *"National Action Plan"* or *"NAP"* is a schedule of commitments that each Participating Country draws up and commits to carry out in accordance with the provisions of Addendum B to the Articles of Governance.

M. *"Open Government Partnership"* or *"OGP"* is the voluntary, multi-stakeholder international initiative established pursuant to the Open Government Declaration that aims to secure concrete commitments from Participating Countries to their

     citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.

N. *"Participating Country"* is a country that has indicated its intention to join OGP by submitting a letter of intent, committing to abide by OGP principles and processes by endorsing the Open Government Declaration, and initiating the process of developing a National Action Plan or NAP, all as provided for in Addendum A to the Articles of Governance.

O. *"Point of Contact"* is the person identified by a Participating Country as the person with official responsibility for maintaining contact with OGP concerning the country's obligations to OGP.

P. *"Procedural Review"* mechanism is the review process provided for in Article II.B.4 of the Articles of Governance.

Q. *"Response Policy*" or *"Policy"* is the informal name of the Policy on Upholding the Values and Principles of OGP Policy, as articulated in the Open Government Declaration, approved and agreed by the Steering Committee, and set out in Addendum E to OGP's Articles of Governance.

R. *"Response Policy Procedures and Protocols"* are policies and procedures developed by the Support Unit, and amended from time to time, to supplement the Response Policy, as approved by the Criteria and Standards Subcommittee.

S. *"Stage One Actions"* are actions OGP may undertake when investigation of a Concern reveals that the Subject is engaging in conduct that contradicts the Participating Country's undertakings in signing the Declaration and undermines OGP's principles and values, as provided for in Section V (A) of the Response Policy

T. *"Stage Two Actions"* are actions OGP may undertake once it is determined that Stage One Actions have failed to adequately address the issue(s) raised in a Concern, as provided for in Section V (B) of the Response Policy.

U. *"SC"* or *"Steering Committee"* is OGP's executive, decision-making body established pursuant to Article III.A of the Articles of Governance, and comprised of an equal number of government and civil society representatives.

V. *"SC Co-Chairs"* are part of a revolving four-member co-chairmanship team which is elected by the entire SC and consists of a government chair, a support (or incoming) government chair, a civil society chair, and a support (or incoming) civil society chair, as provided for in Article III.A.5 of the Articles of Governance.

W. *"Subject"* means the Participating Country that is the target of a Concern.

X. *"Support Unit"* or *"SU"* is the unit of OGP that provides a secretariat function for OGP, and also plays a significant role in implementing the Response Policy, as provided for, respectively, in Article III.C.1 and Addendum E to the Articles of Governance.

Y. *"Working Group"* means one of the thematic working groups that OGP has established, with the help of its partners, to contribute peer exchange and learning across OGP.

Response Policy Procedures and Protocols
This document supplements the provisions of the Response Policy. Capitalized terms used herein refer to terms used and defined in the Response Policy.

1. In accordance with OGP's founding principles, Concerns filed under the Response Policy will be processed in a manner that is transparent, fair, and credible to the subject of the Concern, the filer, the Steering Committee (SC) and the public.
2. A registry of incoming Concerns (date, subject, filer, status, reason for progression/decline and links to any public supporting documents) will be maintained on the OGP website.
3. All Concerns must provide the information listed in Annex 1 *(Letter of Concern Requirements)* hereto.
4. Within five (5) working days of the Support Unit's (SU) receipt of a Concern, the SU will send an acknowledgement to the filer(s) and inform C&S and the subject of the Concern (the Subject) in writing, that the Concern has been received. During this time period, the Concern will be posted on the OGP website and on the OGP website country page and will be published in the OGP Gazette.
5. The SU will inform the filer(s), the subject of the Concern (the Subject) and C&S of the results of its initial review within thirty (30) working days of the SU's receipt of the Concern.
6. When a Concern passes initial review and requires a review of the merits of the Concern, the C&S Co-Chairs at their discretion and with input from the SU will secure external assistance to assist the SU with such review. In securing any such external assistance, the C&S Co-Chairs will follow the process set out in Annex 2 *(Engaging External Assistance for Response Policy Cases)* hereto.
7. When a review of a Concern is being undertaken, the SU will update the registry of incoming Concerns on the OGP website with the details of the Concern.
8. C&S's process of deliberation over review reports pursuant to Section III.B of the Response Policy should ordinarily take no longer than thirty (30) working days, although, in exceptional circumstances, this period may be extended for an additional period of thirty (30) working days.
9. For each Participating Country that is the subject of a Stage One or Stage Two Action, the SU will prepare a schedule of check-ins and updates at the time that the intervention is decided upon by, respectively C& S or the SC, as applicable, so as to allow for regular communication between OGP, the Subject and the filer(s) of a Concern.

Approved and Agreed by the Criteria and Standards Committee, September 20, 2017.

Response Policy Annex 1. Letter of Concern Requirements
Upon request by the filer of a Concern, OGP will keep the name and identity of the filer confidential. If you wish your name and identifying information to be kept confidential, please so indicate in the Letter of Concern.

1. Letters of Concern should be addressed to the Open Government Partnership Steering Committee or the Steering Committee Co-Chairs and mailed or emailed to:

    By Mail: Open Government Partnership Secretariat
    1110 Vermont Ave. N.W., Suite 500
    Washington, DC 20005

United States

By Email: info@opengovpartnership.org

2. All Letters of Concern
    1. A description of the organization filing the Concern;
    2. Information regarding the filer's activities or involvement in OGP at the national or international level;
    3. Information regarding the filer's activities or involvement in the country which is the subject of the Concern (the Subject);
    4. The name and contact information of a person who OGP may contact to discuss the Concern, and a description of how the contact person is affiliated with the filer of the Concern;
    5. A description, or explanation, of the practices, or conduct, giving rise to the Concern. *(Please provide as much detail as possible, including the date or time period of the conduct, the location of the conduct, and the persons or entities involved).*
    6. An explanation of how the alleged conduct or actions are currently undermining or may soon undermine the values and principles of OGP as reflected in the Open Government Declaration.
    7. An explanation of how the alleged harm to OGP values and principles is linked to the activities or conduct described in the Concern;
    8. The source(s) of all information submitted in support of the Concern;
    9. If available, any relevant documents, audio or video recordings, that substantiate the facts and issues raised in the concern;
    10. If the Concern has previously been raised with OGP;
        a. a description of the outcome of the previous Concern; and
        b. the details of any new evidence and/or circumstances that warrant raising the Concern again.
    11. If the Concern raises matters similar to matters raised in a Concern, previously submitted by the Filer or someone else, the Filer should detail what has changed and describe all new circumstances, and present all new evidence related to the Concern which warrant undertaking a new Response Policy review.

Response Policy Annex 2: Engaging External Assistance
1. From time to time, the C&S Co-Chairs may wish to engage external support to assist with the investigation and review of Response Policy cases. To facilitate the engagement of external support, the Support Unit will assemble, for C&S approval, an external panel of well-respected experts who are pre-qualified to be called upon as needed to assist with Response Policy cases.
2. **Selection Process for Roster of Experts**
    ● Nominations: The SU will nominate a roster of experts (who may include individuals and/or entities or organizations or institutions with specialized expertise) for the approval of C&S.
3. **General External Support Qualifications and Selection Criteria**
    ● Significant experience in the country that is the subject of the Concern, and/or in the relevant geographic region is highly desirable for experts engaged to assist with the investigatory aspects of the evaluation of a Concern.

- Significant experience in areas related to open government principles, including expertise in transparency, accountability and civic engagement in the region where the Subject is based, is highly desirable for experts engaged to assist with the investigatory aspects of the evaluation of a Concern.
- Experts on the roster should have experience participating in or managing multi-national research projects.
- Experts on the roster should have the ability to maintain the confidentiality of information and demonstrated integrity and ability to remain independent in the exercise of their duties.
- Experts on the roster must be available to serve for a period of at least three years. At the end of the period following their selection, they may re-apply for inclusion on the roster.

4. **Conflict of Interest Policy**[1]
- No individual who has worked in an official capacity, or spoken on behalf of a government of a Participating Country which is the subject of a Concern, within the twelve months immediately prior to OGP's receipt of a Concern, may be engaged by OGP to assist with the evaluation of a Concern.
- No individual who has worked in an official capacity, or spoken, on behalf of a civil society organization involved in the country that is the subject of a Concern within the twelve months immediately prior to OGP's receipt of a Concern, may be engaged by OGP to assist with the evaluation of a Concern.

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[1] *These provisions are modelled on an IEP Call for Applications*

Addendum F: Independent Reporting Mechanism (IRM) Charter
Currently undergoing review in 2019
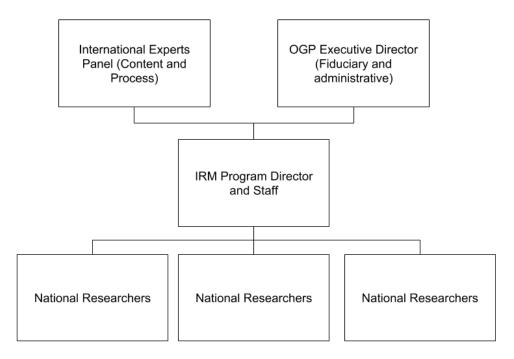
I. Overview

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

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

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

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

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

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

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

II. IRM Governance

International Expert Panel
As part of the critical function of quality control, the IEP establishes and updates guidelines for the IRM to guarantee accountability and delivery of OGP commitments, and to ensure a transparent reporting process.
1. **Membership:** The IEP will be broadly representative of OGP participating countries, with experts that represent a diversity of regions and thematic expertise related to open government. IEP members are not required to come from OGP participating countries to sit on the panel.
2. **Size:** The IEP is made up of 10 technical advisors—5 members with a steering role and 5 with a supporting, quality control role to rotate over the cycle of their terms**.**
3. **Qualifications:** Due to the complexity of the role and the large number of countries that must be assessed, Technical Advisors should have substantial experience in the

transparency, accountability and civic engagement field in a number of regions, as well as experience managing multi-national research projects.

4. **Responsibilities:** They will have the following responsibilities:
    a. Develop the overall reporting guidelines and the reporting template for national researchers to use
    b. Work with the IRM Program Manager to identify respected nationally based researchers in each OGP participating governments to draft the independent reports.
    c. Review draft country reports and work with national researchers to incorporate inputs from IEP and government review
    d. Provide final approval for report publication
    e. Aid the IRM staff in developing a robust and transparent system for addressing complaints from OGP countries and other stakeholders.
    f. [Attend regularized meetings of the IEP to be held at least twice per year]

5. **Powers:** IEP members can collectively withhold any IRM-branded report that they do not see fit for publication. The IEP may also withhold the IRM brand from written products produced by IRM staff that have not been reviewed by the panel.

6. **Limits on powers:** The IEP does not have powers to recommend and/or implement administrative changes to the IRM. The IEP, in its capacity as a steering portion of the IRM, does not have the power to dismiss the IRM Program Director and have a say in hiring the new one, should such a situation arise.

7. **Nomination and appointment:** The IRM will be overseen by an International Expert Panel—nominated through an open, public process and selected by the OGP Steering Committee. Nominations may come from: the general public, the International Experts' Panel, and the OGP Steering Committee. The IEP has special standing to make nominations and recommendations to nominate new candidates, set requirements for the process of nomination, set criteria for weighing individual candidates or the whole panel and will help to prepare a short list of candidates. The IRM Program Manager will work with the IEP to make recommendations to the OGP Criteria and Standards Committee. The OGP Criteria and Standards Subcommittee will make a recommendation of nominees for full approval of the Steering Committee.

8. **Terms:** The initial term for members of the IEP will be two years, with the possibility of a one-year extension. IEP members serve a 2-year term and serve 1 year as "emeritus reviewers." During the emeritus period, they review reports and pass on knowledge to new IEP members. At any one point in time, there will be a maximum of ten members.

9. **Renewal of terms and termination of contract:** IEP members will develop a clear, public set of transparent criteria for their own performance evaluation. The review would be applied annually by the IRM Program Director in consultation with the Support Unit Executive Director, and the results communicated to the Criteria and Standards Subcommittee. In cases of renewal, the IRM Program Director would make a recommendation to the Executive Director for renewal of terms. In cases of termination or expiration of the annual contract, the IRM Director would make a recommendation to the Executive Director, informing the Criteria and Standards Subcommittee, for termination or expiration of the contract. The Executive Director is legally responsible for termination of the respective IEP member's contract. Steering committee members do not have the power to remove sitting IEP members.

10. **Resignation, dismissal, and replacement:** Resignations ahead of the end of term are to be sent to the IRM Program Director and communicated to the OGP Criteria and Standards

Subcommittee. In cases of inactivity of more than 2 months, and after appropriate due diligence by IRM staff, the IRM Program Director may recommend to the IEP that the member be considered to have effectively resigned.

11. **Compensation:** Technical Advisors will be compensated for their time and direct expenses.

IRM Program Director and Staff

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

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

The IRM Program Director's responsibilities include:
1. Working to convene the IEP in person and/or by phone or other means, as appropriate, for ongoing business;
2. Maintaining and updating the process for identifying national researchers;
3. Hiring national researchers in each of the OGP participating countries;
4. Developing, updating and applying the IRM reporting template;
5. Developing detailed guidance for national researchers and providing training, coaching and feedback as necessary to IRM researchers;
6. Identifying and rolling out tools to help national researchers collect IRM inputs within OGP participating countries;
7. Publishing all reports in a timely, consistent fashion;
8. Briefing the Criteria and Standards sub-committee and Steering Committee as appropriate;
9. Reviewing and finalizing reports in tandem with the IEP;
10. Developing relevant learning products derived from IRM findings, as appropriate, including collaborating with the Support Unit to ensure learning is being used to advance OGP's mission.

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

Criteria and Standards Subcommittee of the OGP Steering Committee

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

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

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

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

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

Whenever possible, national researchers should be from, and currently working in, the country of study. Candidates should:
- Have a background in academia or public policy, with demonstrated experience conducting research for publication nationally, regionally, or internationally;
- Have specific experience working on public policy issues related to governance, transparency, accountability, or public participation more broadly, as well as experience working with and engaging civil society, the government and the private sector; and
- Have a demonstrated capacity and willingness to engage a broad range of stakeholders in a non-partisan and objective fashion.

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

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

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

commitments. Through these processes, CSOs and other stakeholders will be able to evaluate the focus, development, and progress of the action plan.

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

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

Disclosure policy
OGP operates on a presumption of openness in all of its activities. The disclosure policy outlined in Addendum D of the Articles of Governance applies to all information held by or on behalf of the OGP Support Unit, Steering Committee and subcommittees, and must favor openness over any approach which advocates secrecy. The OGP disclosure policy was developed with input from the OGP community. and applies to all information held by the OGP Support Unit, Steering Committee and subcommittees.

The IRM upholds this as stated in the general OGP Disclosure Policy. Exceptions provided for in the General Policy are as follows and may have particular resonance in the administration of the IRM:
1. Information received by OGP which has an explicit expectation of confidentiality;
2. Information which, if disclosed, would do identifiable harm to the safety or security of an individual, or violate his or her rights or privacy;
3. Information that in OGP's view, if disclosed, would demonstrably inhibit candid policy dialogue with governments, donors, communities or partners;
4. Internal pre-decisional policy documents that are not available for public consultation. Pre-decisional policy documents not subject to public consultation will be archived and available on request after three years.

III. IRM Reporting

Objectives

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

IRM reports will be prepared every year for each participating government. Reports are to be published for comments 7 months after each year of implementation. Mid-term progress reports aim to provide learning for the next iteration of the action plan (in addition to final

implementation). Shorter end-of-term reports are to provide end-of-term accountability for each OGP participating country following conclusion of each biannual cycle.

The following "Guiding Principles" aid the IRM in its work:
1. The independent reports will be elaborated in a transparent, objective, non-intrusive, impartial, and apolitical manner. IRM researchers will have access to key decision-makers within assessed countries.
2. The independent reports will contribute to advancing open government internationally by encouraging dialogue between citizens and their respective governments, and by sharing best practices, achievements, and challenges in the implementation of country action plans among all stakeholders.
3. Key measures of success for the IRM will be (1) public dialogue on IRM findings by governments and civil society; (2) whether and how much progress was made on recommendations contained in previous reports.
4. The IRM reports will not define standards for use as preconditions for cooperation or assistance, or to rank countries.
5. The IRM and IEP's work in developing their methodology will be open and participatory with relevant stakeholders.

Scope of reports

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

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

reports will have a more limited discussion of the context surrounding progress or regress on specific criteria at the country level each year, based on citizen feedback.
- Starting in the second year of assessments, reports shall also include a section for follow-up on recommendations issued in previous reports. This follow-up process will also be carried out in accordance with the principles set out in this document.

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

The IRM reports are meant to complement and support independent monitoring of the commitments by civil society in each country, and provide useful recommendations to enhance government performance. For example:
1. All research for the elaboration of the reports will be conducted in a way that incorporates the views of different public and private national stakeholders involved in, impacted by, and interested in the development and implementation of the country action plans.
2. National researchers will work in culturally, nationally, and contextually appropriate ways to convey information and to engage all relevant stakeholders in the elaboration of independent reports.
3. In order to be able to incorporate all different domestic views in the independent reports, the IEP will strive to make use of any relevant information and communication technology tools available.
4. The IRM will listen to and take into account on-going citizen, civil society and related multilateral monitoring efforts.
5. Reports will be produced in a form that facilitates easy monitoring and comparison over time – e.g. commitment by commitment; recommendation by recommendation.
6. Reports will be written in such a way that makes them easily understandable by the broader public in each country. Consistent with the OGP Articles of Governance, IRM reports are to be made publicly available in the national administrative language(s) as well as English.

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

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

Publication

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

[Addendum G: Rapid Response Mechanism]

Approved by the OGP Steering Committee, September 14, 2018

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

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

II. Who may submit a Rapid Response Request?
A RR Request may be submitted by[1]:
    a. *A Steering Committee member - government or civil society.*
    b. *A Multilateral Partner.*
    c. *Any entity (other than an individual acting on his or her own behalf) which is, or has been, involved in OGP at the national or international level and in the country or local jurisdiction that is the subject of the concern.*

III. Contents of a Rapid Response Request
All Requests should include the following information:
    a. *A description of the persons or entities filing the request[2];*
    b. *Information regarding the filer's activities or involvement in OGP at the local, national or international level;*
    c. *A description, or explanation, of the practices, or conduct, giving rise to the request and how they violate OGP values. (Please provide as much detail as possible, including the date or time period of the conduct, the location of the conduct, and the persons or entities involved)[3];*
    d. *The source(s) of all information submitted in support of the request, including copies of relevant documents, audio or video recordings.*

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[1] *The persons or entities identified are identical to those eligible to request a Response Policy, as established by the OGP Criteria and Standards Subcommittee in 2014.*
[2] *The filer(s) of a RR request may request anonymity in public documentation if the filer perceives any security concerns.*
[3] *A rapid response can only be triggered with regard to countries that are active (not inactive due to a Procedural Review or suspended due to a Response Policy process).*

All Requests should be addressed to <u>info@opengovpartnership.org</u>.

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

V. **Rapid Response Task Force established (24-36 hours from submission)**
   a. *A RRTF will be set up immediately for each request that is approved through the initial assessment process outlined in Section IV of this document[4].*
   b. *The RRTF will consist of representatives of GL and key Support Unit staff. More specifically, it will include the Lead Government Co-Chair (can be replaced by incoming co-chair), Lead Civil Society Co-Chair (can be replaced by incoming co-chair), the OGP CEO (can be replaced by Deputy CEO), and OGP Chief Country Support (can be replaced by Deputy Country Support). In the case of any conflict of interest, actual, perceived, or potential, between an RRTF member and the subject and/or filer of the RR, such RRTF member will recuse him or herself from serving in the Task Force[5].*
   c. *Each government, from GL or appointed by GL to the RRTF, may determine the level of representative that it appoints to the RRTF.*
   d. *A quorum is three members, with at least one government and one civil society representative[6].*
   e. *Consensus will be sought for all RRTF decisions, but otherwise decisions will be taken by a two-thirds majority vote.*
   f. *One member of the RRTF should be identified as the Lead for each response. This can be done on a rotational basis or can be assigned based on the issue at hand.*
   g. *The RRTF may identify other SC, Support Unit or OGP partners whose expertise would be useful and requests them to join the Task Force.*
   h. *The RRTF for each request should disband when the action plan linked to the request is completed (including if it is passed off to another OGP entity or process). The RRTF lead should notify all members of the RRTF, GL and the SU when a request is completed.*

VI. **Initial response formulated and issued (36-72 hours from submission)**
   a. *Based on the Support Unit determination of a legitimate RR Request, the RRTF meets virtually or in person if circumstances allow*
   b. *RRTF decides to acknowledge or dismiss the RR request*
      i. *The RRTF decides to dismiss the RR.*
      ii. *The RRTF agrees an acknowledgement of the request.*

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[4] *A dedicated instant messaging group should be set up and maintained by the Support Unit*
[5] *Any replacements made to the membership of the RRTF will be determined by GL.*
[6] *If a RRTF member goes on leave, it is his or her responsibility to notify his/her back up or replacement and let the group know.*

       iii.   *All RR acknowledgments are signed by the RRTF; the acknowledgement indicates the members of that particular RRTF.*

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

     a. *The RRTF will begin work on an action plan to address the rapid response request, with the help of the SU.*

     b. *The Rapid Response action plan will be made public, reflecting the position or intention of OGP.*

     c. *This action plan will take anywhere from 2-7 days to produce from the initial RR request, depending on the complexity and specificity of the issues raised and the accompanying actions deemed necessary to address them.*

     d. *The action plans may note the end or resolution of the RR request (i.e., reflecting a short action plan, completed within the 7 days), or it may involve activities that go beyond the initial 7-day period, including into further support/review by OGP.*

     e. *The action plan should include a timeline for completion. While there is no strict deadline for action, it is hoped that a plan may be initiated immediately and executed within 3 months from the initial submission.*

     f. *Action plans may involve the following: (non-exhaustive, but indicative list)*

        i.   *Fact finding, external consultation and discussion*

        ii.   *Diplomacy and behind the scenes outreach*

        iii.   *Brokering dialogue*

        iv.   *Appointment of envoys*

        v.   *Public statements*

        vi.   *Exceptionally, calling a SC meeting.*

        vii.   *Recommendation of a full Response Policy review.*

All reasonable resources will be available for the RRTF to execute its work.[7]

VIII.   **Communications across the Steering Committee and Partnership**

     a. *The RRTF will let the SC and SU know of its intended action plan no less than 24 hours before it is issued, and proceed on a no-objection basis.[8]*

     b. *If consensus is not achieved, a two-thirds majority of the SC is needed for the action plan to go ahead. SC members that oppose the action plan may opt-out.[9]*

     c. *The action plan will be issued by the RRTF (which includes key GL and Support Unit members) on behalf of the Partnership.*

     d. *When an OGP Rapid Response action plan is issued, the RRTF will notify the filer(s) of the Request, and if relevant ask the subject of the Request for a formal response.*

     e. *To the greatest extent possible, and consistent with the need to make adjustments to protect all parties involved, as determined by the RRTF, the RR process will be carried out in accordance with OGP's Disclosure Policy. This means that*

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

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

[9] *This follows the same practice as the OGP Response Policy.*

Requests, Acknowledgements, and Action Plans will be available in a dedicated section of the OGP website.

IX. Review and learning

a. *On a yearly basis, the Support Unit will provide a brief assessment of the RR mechanism as an additional means of OGP response and support.*

b. *Criteria and Standards will consider this assessment and bring it to the SC as part of a periodic reflection on response mechanisms overall.*