



Steering Committee meeting papers

New York City

19-22 September 2016

**Steering Committee meetings
19-22 September 2016, New York City
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Additional documents:

Co-creation guidelines

Trust fund brief

Outline for trust fund meeting with development partners

Overview of Steering Committee activities in New York 19-22 September

Date	Time	Location	Event
Monday 19 September	9am-12pm	Open Society Foundations, 224 W 57th St	New Steering Committee members induction
	1-6pm	Open Society Foundations, 224 W 57th St	Civil Society Steering Committee meeting
Tuesday 20 September	9-11am	tbd (information will follow ahead of meetings)	Subcommittee meetings
	5-7pm	United Nations Headquarters (conference room 2)	OGP five year anniversary event
Wednesday 21 September	9am-8.30pm	Civic Hall	OGP toolbox Hackathon http://tinyurl.com/zl9yypx - optional attendance by SC members
	8-10am	Ford Foundation, 320 E 43rd St	Civil society leaders' breakfast
	10.30am-1.30pm	Ford Foundation, 320 E 43rd St	Ministerial Steering Committee meeting
	2.30-5pm	Ford Foundation, 320 E 43rd St	Working level Steering Committee meeting
Thursday 22 September	8-9.30am	Ford Foundation, 320 E 43rd St	OGP trust fund: meeting with development partners

**OGP Steering Committee meeting
Wednesday 21 September 2016
Ford Foundation**

Ministerial level meeting 10.30am-1.30pm

10.30-10.45am Welcome and introductions

10.45am-12pm State of the partnership; strategic refresh update; co-chair priorities

Papers: Framing note and strategic refresh emerging themes; co-chair priorities

Overview: opportunity for Steering Committee input on these three areas - presentation on the state of the partnership and activity since the last meeting, followed by discussion; presentation of emerging themes from conversations about the strategic refresh and discussion; presentation of co-chair priorities.

12-12.45pm Briefing on the Global Summit and discussion on the political deliverables

Papers: Concept note on Summit

Overview: Discussion and input on the concept note and proposed objectives

12.45-1.15pm Countries under review: resolution for decision on Turkey and updates on Azerbaijan and Hungary

Papers: Report on Turkey; update on countries under review; update on Azerbaijan (to follow separately)

Overview: decision to ratify the resolution passed in May on Turkey's participation in OGP; update on and discussion about other countries under review.

1.15-1.30pm Any other business and close

1.30-2.30pm Lunch

Working level meeting 2.30-5pm

2.30-3.30pm Criteria and Standards

- Decision on co-creation guidelines
- Decision on open parliaments paper

Papers: draft co-creation guidelines; proposal on legislative engagement in OGP

Overview: presentation of new co-creation guidelines and decision to approve them; discussion about legislative engagement in OGP and decision on recommended next steps.

3.30-3.50pm Peer Learning and Support

Papers: none

Overview: update from subcommittee

3.50-4.10pm Subnational pilot update

Papers: none

Overview: update from the subnational pilot program and progress being made

4.10-4.40pm Fundraising

- Update on OGP development assistance and multi-donor trust fund

Papers: Trust fund brief; concept note for trust fund event

Overview: presentation of progress on the OGP trust fund and opportunity for discussion

4.40-5pm Proposal for new multilateral partnerships

Papers: OGP multilateral engagement framework; letter from New Partnership for Africa's Development (NEPAD)

Overview: decision on NEPAD becoming an OGP multilateral partner

4.50-5pm Close

**OGP Steering Committee Framing Note
An Update on the State of the Partnership
21 September 2016, New York**

At its last meeting in Cape Town in May, the Steering Committee: agreed to launch a strategic refresh process, including a mid-term review of OGP's current 2015-18 four-year strategy; voted to make Azerbaijan inactive in OGP under the response policy; passed a resolution that automatically makes Turkey inactive in OGP this month, for failing to meet consecutive National Action Plan deadlines; provided strategic input to the Independent Reporting Mechanism team and its International Experts' Panel; began discussions about OGP events in the margins of the UN General Assembly meeting and the global summit in Paris; and agreed the government of Georgia and Mukelani Dimba as new co-chairs for 2016-18.

The Africa regional meeting took place in Cape Town in the days following the last Steering Committee meeting. Over 500 people participated from across the continent. Since then there has been a regional meeting for the Americas, in Montevideo, with over 600 participants from 28 countries; a regional dialogue for Asia-Pacific countries, in Manila with 100 participants from 12 countries; and preparation has begun for the OGP Global Summit in Paris in December. The Development Portfolio Management Group were selected to conduct the mid-term review of OGP's four-year strategy and efforts are underway to produce a refreshed OGP strategy in time for the Paris Summit. What follows is an update of progress made over the last four months, under each of OGP's current strategic objectives, to support the Steering Committee's discussion on the state of the partnership.

1) Maintain high level political leadership and commitment to OGP

The three OGP regional meetings this year have continued to attract ministerial participation, demonstrating their value as opportunities to secure political commitment. In South Africa there were three ministers, and in Montevideo six ministers from 17 countries. The regional dialogue in Manila was a working level meeting but was opened by the new Philippines secretary of budget and management, Ben Diokno.

The UK hosted an Anti-Corruption Summit on 12 May, where OGP was positioned as the ambition, implementation and accountability arm that could help ensure follow through on the summit commitments. The summit communique¹, signed by all of the governments that attended, had a strong reference to OGP in paragraph 31:

We recognise the value of the Open Government Partnership (OGP) in advancing transparency and good governance reform through national commitments made together with civil society, and the value of the OGP's Independent Reporting Mechanism in providing accountability. OGP participating governments among us will work with civil society to embed our Summit commitments into National Action Plans where appropriate and extend the invitation to others to join.

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522791/FINAL_-_AC_Summit_Communique_-_May_2016.pdf

President Buhari of Nigeria used the Summit to announce his government's commitment to join OGP and 11 governments used their individual country statements² to explicitly state that they will be engaging with OGP to help progress their anti-corruption work. The French Government agreed to have a follow up session at the Paris summit in December and The Economist positioned OGP³ as crucial for accountability of commitments made.

On 20 July the White House hosted a Summit on Global Development⁴, which featured a discussion on transparency, accountability and open government and this mention of OGP in President Obama's remarks:

"And because economies can't thrive without rule of law, together let's keep fighting for good governance and strong, accountable institutions. That's the bedrock of sustainable development. You wouldn't know it sometimes, because in advanced countries sometimes there's such anti-government rhetoric. But it turns out, like, having functioning governments are really important. So that's one of the reasons I committed the U.S. government to more transparency on my very first day in office. And with our Open Government Partnership of 70 countries, representing some 2 billion people, we've continued to empower reformers and civil society from Sierra Leone to Ukraine to Uruguay. Because governments should serve the people and not the other way around."

On 31 August, Kenyan President, Uhuru Kenyatta, signed an access to information bill into law. This was a commitment in Kenya's National Action Plan and an issue that civil society had been campaigning on for a long time.

2) Support and empower government reformers with technical expertise and inspiration

52 National Action Plans were due to be submitted in 2016. So far the Support Unit has received 23 and expects to receive another 21 within four months of the deadline (by 31 October). If an action plan is submitted after this date, it will mean the country is considered to have acted contrary to OGP process due to the delay.

The following table shows that several countries have started to work on themes promoted by the Steering Committee and the Support Unit, moving OGP beyond transparency commitments to include more accountability, participation and government responsiveness.

Observed Themes	Country Examples (2016 NAPs only)
Beneficial Ownership	UK, South Africa, Kenya, Norway
Open Education; Social Audit of Education*	Cote d'Ivoire, Greece, Czech Republic, Paraguay, Honduras, Romania
Anti-Corruption, Whistleblowing, Lobbying, Campaign Finance, Asset Disclosure	Estonia, Lithuania, Macedonia, Cote d'Ivoire, Romania, Armenia

² <https://www.gov.uk/government/publications/anti-corruption-summit-country-statements>

³ <http://www.economist.com/news/international/21698740-step-right-direction-what-david-camerons-anti-corruption-summit-did-and-didnt>

⁴ <https://storify.com/opengovpart/the-white-house-summit-on-global-development>

Clean Water and Sanitation*	Dominican Republic, Honduras, Mexico, Chile
Environment, Climate Change, and Natural Disaster Resiliency*	Honduras, Sierra Leone, Bulgaria
Health Care	Lithuania, Paraguay, Honduras
Feedback Loops and Service Delivery	Dominican Republic, Paraguay, Armenia
Subnational	Macedonia, Greece, Paraguay, Estonia, Bulgaria, Guatemala
Fiscal Transparency, Procurement, Open Contracting	Bulgaria, Kenya, Greece, Guatemala, Romania, South Africa, Macedonia

*thematic links to the SDGs

The Support Unit continues to scale up the delivery of peer exchange and learning opportunities to government and civil society reformers across participating countries. In 2016 there have been over 75 instances of peer learning covering 61 countries through OGP Working Groups and through bilateral, multilateral or regional dialogues facilitated by the Support Unit.

Since May, the OGP working groups have supported action plan development and implementation in 12 countries and continue to deepen learning in core thematic areas through workshops and technical assistance. For example, in June, the Fiscal Openness Working Group organized a workshop in Washington DC inviting high-level representatives of ministries of finance and civil society from ten countries to exchange ideas and experiences on expanding the ambition of fiscal transparency commitments through citizen engagement in the budget process and to identify areas where they can collaborate further.

The government support and peer exchange team (GSX) has continued to host meetings with OGP points of contact as part of regional events. In Cape Town 8 of the 10 African points of contact, and in Montevideo 20 points of contact from 15 countries and 4 subnational governments, came together to discuss ways to improve their action plans and the ambition of their commitments.

The GSX team has established five peer exchange networks in order to give points of contact an opportunity to meet and discuss common problems, foster cross-country learning and promote best practices. The active networks are:

1. Nordics: Denmark, Estonia, Finland, Norway and Sweden.
2. South-East Europe: Bulgaria Greece, Moldova, and Romania
3. Balkans: Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, and Serbia.
4. Southern Cone: Argentina, Chile, Paraguay and Uruguay.
5. Northern Triangle: El Salvador, Guatemala, Honduras, and Dominican Republic.

During the last nine months, GSX staff have visited 15 countries to participate in diverse events such as IRM report presentations or launches of co-creation processes and to provide support in the development of national action plans.

3) Foster more engagement in OGP by a diverse group of civil society actors

There have been two major OGP civil society days since the last Steering Committee meeting. The Africa meeting in Cape Town brought together civil society from across the continent, and a large South African contingent, to share experiences and challenges. At the Americas meeting in Montevideo, OGP made a strong effort to bring in new voices to the event, for example journalists or civil society working on issues such as water or gender. There was also a successful youth and social movements session with street protesters from Brazil and Guatemala, and the launch of the first OGP womens' network, "Mujeres OGP", which now has over 140 members (and was a trending topic in Uruguay for close to 24 hours).

OGP continues to advocate for an institutionalized forum for dialogue between government and civil society - as seen in 36 participating countries so far - rather than one-off consultations. In support of this goal, a handbook on 'designing and managing an OGP multi-stakeholder forum' was launched this month. OGP organized two meetings in Latin America with government and civil society reformers specifically focused on improving this 'permanent dialogue'. It contributed to Chile committing to the establishment of a multi-stakeholder forum in their next national action plan and Uruguay announcing a Presidential Decree to institute one. In Ukraine civil society efforts mean the multi-stakeholder forum is fully functional, despite changes in political leadership and domestic instability.

The Support Unit has intensified its engagement with international coalitions and networks in the OGP process who have helped facilitate inclusion of diverse themes and sharper commitments into national action plans. For example Transparency International and Save the Children in Sri Lanka provided targeted technical assistance and content support to help shape commitments on health and education.

Staff from the civil society engagement team have visited 16 countries to participate in events or provide specific support to civil society groups and coalitions.

4) Ensure that participating countries are held accountable for making progress towards achieving their OGP commitments

The IRM team has been working with IRM researchers in 60 countries to improve the utility of their reports, by making sure they are as factual, readable, and useful as possible. In June they hosted a meeting for all IRM researchers in Madrid to focus on this and share ideas about how to strengthen reports and outreach for their findings. The IRM have also been producing their second technical paper, and the key findings will be previewed at the Steering Committee meeting.

The International Experts' Panel (IEP) has been developing the method for assessment of subnational action plans, finalizing the end of term reporting process and updating the IRM procedures manual. Further, the IEP (with support from IRM staff) has done an ethical review for conflict of interest of all researchers. Finally, the IEP has nominated six new experts to join, to increase the number of reviewers available per report. In the next 5 months, the IRM will produce a record 59 reports, including the first major batch of end of term reports.

Subnational pilot

The 15 governments participating in the subnational pilot pioneers' tier are setting up mechanisms to consult civil society and involving them in the development of commitments, which are due to be launched at the OGP Paris Summit. They are part of an online platform, allowing them to interact with each other and have started to collaborate on sessions for the subnational track at the Summit, which is helping to build the network. The Summit will also be a good opportunity to bring together other subnational governments, that are not part of the pioneers' tier, but where they have interesting open government programs or political leadership. This will help test other means of subnational participation in OGP.

The four pilot governments in Latin America took part in the Americas regional meeting at working level and there was political and senior representation from the Asian pilot governments at the regional dialogue in Manila. The working level contacts will be coming to Washington D.C. for an in person workshop 15-16th September. There has been considerable press interest from local media about individual governments' participation in the pilot and a number of launch events of their OGP participation, for example in Buenos Aires and Ontario.

Support Unit and Independent Reporting Mechanism Institutional Health

In June the Development Portfolio Management Group (DPMG), a team of five independent consultants, was chosen to conduct the mid-term review. DPMG have begun interviews with Support Unit staff, working group anchors, multilateral partners and Steering Committee members. The team is now conducting interviews and surveys with government and civil society stakeholders in 15 OGP countries, selected for regional and other diversity. A set of interim findings are due in November, so they can inform the strategic refresh launch in Paris. Annex A sets out some of the early themes that are emerging from the strategic refresh.

The Support Unit is preparing for its spin off from Tides, as an independent 501(c)(3) US non-profit organisation. We are currently finalizing the details of the transition including a date for legal and financial separation or spin-off from Tides, likely in Q3 of 2017.

Since May the Support Unit has welcomed five new staff: Tayana Ring - Accounts Payable and Contracts Associate, Rachel Ostrow - Communications Officer, Suzanne Cunningham - Research Associate, Peter Varga - Regional Civil Society Coordinator, Europe and Jessica Monaco - Website Manager.

The Support Unit continues to ask all OGP participating governments for financial contributions to its budget. As of 1 September 2016, the Support Unit has received financial contributions from 15 governments, totaling \$1,050,716 (Steering Committee in bold): Armenia, Australia, **Croatia**, Denmark, **France**, **Georgia**, Hungary, Israel, Italy, Netherlands, Philippines, **Romania**, Serbia, **United Kingdom**, **United States**. Based on conversations with points of contact we expect another 12-18 governments to contribute before the end of the year, including all remaining Steering Committee members. In addition the Support Unit continues to received generous support from foundations and bilateral donors.

From January to the end of July, OGP had spent 91% of the budgeted amount for that period. The budget the Steering Committee approved in January did not include new projects added since then, including the Paris Global Summit, OGP's spin-off from Tides and the strategic refresh. As such the Support Unit will present a supplemental budget to GL shortly.

Annex A

Strategic Refresh: Emerging themes

This document aims to update the Steering Committee on the Strategic Refresh following consultation with key stakeholders. We invite input to help validate and prioritize emerging themes and findings.

Key takeaways

From international to domestic value propositions: There needs to be a continued pivot from OGP as primarily “a club of countries” to inherently useful for domestic reform. International pressure can be used to continue pushing on these issues.

Collaboration and ambition: The Strategic Refresh will need to re-affirm the twin goals of improving government-civil society collaboration and ensuring the implementation of transformative commitments.

From individual agents to coalitions: To be successful OGP’s future strategy needs to go beyond support to individual agents in governments and civil society towards building coalitions for change.

Background

In Cape Town, in May 2016, the OGP Steering Committee agreed to undertake a strategic refresh of the OGP Four Year Strategy.

The OGP Support Unit began soliciting input in both one-on-one consultations and group consultations (at the Africa and Americas regional OGP meetings, London Anti-Corruption Summit) . This included:

- ☐ conversations with the Governance and Leadership subcommittee;
- ☐ consultations with government points of contact;
- ☐ consultations with civil society leaders in regional and global forums;
- ☐ a workshop (Paris, July 2015) with government and civil society leaders from the Steering Committee;
- ☐ and Sanjay Pradhan, the CEO of OGP has also held a series of one-to-one discussions with over 15 Steering Committee members till date.

In addition, OGP’s [mid-term review](#) and the [civil society strategy dialogues](#) are also currently in progress, and will provide critical input into the strategic refresh.

Early results from conversations

Following our consultations with OGP Principals above we have grouped major points from these conversations below.

What is working

OGP stakeholders confirmed that OGP has been successful in the following areas:

- ☐ **Promoting the concept of “open government”:** OGP has created a narrative of what it means to “open government” and in many countries, successfully demonstrated it in practice.
- ☐ **Fostering civil society-government dialogue:** What began as a bold and challenging idea to governments - co-creating policy reforms with civil society organizations based on equality and mutual respect – is now less foreign to governments who have been through several Action Plan cycles. Through its platform OGP has

built relationships among government and civil society stakeholders and this has led to better understanding and more constructive dialogue. This cultural shift has been one of the big successes of the OGP model.

- **Un-siloing the reformers:** OGP has also often been a unifier of open government initiatives that existed in many countries but were taking place in siloes. Through its platform OGP brought together these reforms under one umbrella, giving them legitimacy and coherence.

What needs improvement

The Four-Year Strategy, as written in 2014, was an important first step in consolidating OGP's work. It focused on providing key support to three groups of actors: high-level political actors, mid-level reformers, and civil society groups. At the time, and now, it was critical to ensure that the basics of OGP participation were clearly communicated. Flowing directly from the Four Year strategy, the OGP Support Unit and IRM were built up and the results are clear. Evidence from the IRM reports show that every OGP country now has a clear Point of Contact, the quality of civil society-government dialogue is improving, and action plans are more focused.

At the same time, the evidence suggests that despite progress in the above areas, there is some work to be done:

- While rates of implementation are on the rise, the ambition and potential impact of commitments have not improved--too few commitments are transformative in nature.
- An often-predicted shift from the "low hanging fruit" of transparency to the harder work of accountability with citizen feedback has not taken place.
- Too few commitments address the day-to-day needs of citizens in key sectors of government, including service delivery.

In order to address these issues, OGP will need to move from serving individual "agents" (e.g. Points of Contact, civil society groups) to working across and between these agents at both the national and international level.

Where to go from here?

OGP Principals agree that the initial enthusiasm with OGP's real and potential value-added needs to be enhanced and deepened. This is our overarching challenge: while there has been impressive growth of OGP in the first five years, success over the next five years will be measured by the extent to which OGP delivers transformative impact in the lives of ordinary citizens. We heard proposals for the following areas:

1. Energize high-level political commitment globally and nationally

- OGP's efforts to build high-level political commitment were fairly successful at the global level in the first phase of OGP – it has enjoyed iconic political leadership from several countries in the initial years. Looking ahead and across the 70 countries that have joined OGP, concerted efforts will be needed to sustain high-level political commitment. And over the next period, the focus on securing individual commitments from political leaders needs to be complemented by efforts to **promote collective actions from a group of political leaders** on specific issues. These could be on beneficial ownership, climate change or open contracting data standards - that could advance global norms on open government.
- In difficult political contexts, there have been calls for the Partnership as a whole (Steering Committee, Heads of State/Government, Support Unit) to **play a much more proactive role as a mediator and interlocutor** to strengthen political commitment. Through Steering Committee outreach, country visits and peer pressure OGP

can send a clear message to countries that it is paying attention to progress. This would also give crucial leverage to champions within government to rally political support from senior officials, and act like real-time monitoring efforts that complement the IRM reports.

- Given challenges and opportunities of political transitions, OGP could be smarter about **anticipating political transitions**, and learn from other countries that have successfully leveraged political change to enhance the OGP agenda.

2. Deepen country-level work to broaden collective ownership and institutionalize OGP

- High-level political engagement in itself is limited in its capacity to sustain reforms in the long run. OGP needs to **pay equal attention to institutionalizing OGP** through a broader collective ownership across government ministries, civil society organizations and societal stakeholders at the domestic level. This means providing stronger capacity building support for the co-creation and implementation of OGP action plans, including through collective leadership workshops on OGP for Cabinets, civil society organizations and multi-stakeholder coalitions. This will necessitate expanding the sectoral and thematic focus of OGP to provide a more compelling value proposition for a broader set of stakeholders, including to achieve key societal goals such as improved service delivery, investment climate, anticorruption and environmental sustainability.
- To help stakeholders act politically to achieve transformative actions, OGP should develop knowledge resources that go beyond learning about procedural and technical issues. These should **equip country-level actors to navigate the politics** and dynamics of reform processes through collaborative leadership and coalition building workshops that can be financed through support from multilaterals and a multi-donor trust fund. At the same time, **OGP itself needs to become more of a politically savvy actor** and this needs necessary skill building and resources.
- To deliver transformative results for citizens at the local level, strong support is emerging to sustainably expand OGP's subnational pilot across more subnational entities. OGP Principals have also urged the continued **broadening of OGP to not only embrace legislatures, but also the private sector, youth and the media.**

3. Amplify civil society engagement and genuine government-civil society co-creation

- Civil society engagement in OGP is crucial to place a spotlight on key policy issues, bring expertise and play a watchdog role - all the while conveying the concerns of the ordinary citizen. But civil society fatigue is also beginning to set in across some countries, partly because of concerns around genuine co-creation with government and the resulting disillusionment with outcomes, and partly because OGP is very demanding of CSO's resources and energy. OGP should **strengthen guidelines for co-creation, without being prescriptive about the institutional forms that co-creation might take in any country.** OGP should also **invest in building civil society's technical and financial capacity** to undertake coordination, co-creation, implementation and monitoring of OGP reforms.
- OGP should make an explicit effort to **create space for new civil society actors** and issues to be part of the dialogue and the National Action Plan Development, including youth, media, SDGs and human rights.
- Government and civil society can also **leverage ICT platforms to democratize direct citizen inputs** using mobile phones and social media in developing OGP national action plans and in policy making and service delivery.

4. Review OGP's rules of engagement

- OGP's model recognizes that countries have different starting points in their efforts to open government. By exercising a more inclusive approach and allowing countries to join the Partnership, OGP can influence these countries to progressively improve than if more restrictive entry criteria were adopted. However, many civil

society voices believe that OGP's current eligibility criteria allows countries to join by showing minimal commitment to opening government -and in some cases even restricting civic freedoms - and that this is hurting OGP's credibility. As a result there have been calls for **OGP to review its eligibility criteria and response policy and consider whether raising the bar of entry and performance for countries is necessary.**

- There are also concerns that in many countries civil society actors operate in a fractious environment with unhealthy competition. This leads to questions over whether civil society legitimately represents the general interest and thereby form an equal counterpart in policy making with the government. To address this, there are suggestions that **OGP could introduce minimum standards of engagement in the OGP process which highlight civil society organizations' transparency, representativeness and professionalism.**

5. Integrate OGP with Key Global Initiatives including SDGs

- OGP Principals have expressed strong support to integrate OGP more closely with key global initiatives, positioning itself as **as the ambition, implementation and accountability arm of global goals.** For example, it has already demonstrated how countries can achieve global commitments such as the SDGs and the goals of the anti-corruption summit in London, as well as join other international initiatives such as EITI.
- Positioning OGP as a key instrument for achieving SDGs will necessitate broadening the sectoral focus of OGP (at present, for instance, only 2.5% commitments are on health and education each). Over the next five years, an important focus will need to be on service delivery in key sectors which impact the lives of citizens, creating and strengthening institutions for citizen feedback and government responsiveness to that feedback.

6. Strengthen the OGP brand and communications strategy

- A persistent challenge faced by OGP champions is the low levels of understanding of open government and OGP, both within and across government and also across society. OGP is still an abstract concept for many. To address this, a key imperative is to build OGP's value proposition for key stakeholders ("what's in it for me") and communicate and disseminate it to different audiences in a compelling manner. We have to **address the claim that "OGP is the most interesting thing that no one has ever heard of"**. OGP cannot do this alone. If we are to build a movement for open government our communications strategy needs to make a global and national impact. At the global level we should mobilize OGP ambassadors and the wider OGP network to deliver messages in key global and regional forums. At the national level, OGP reformers should feel well-equipped to communicate OGP's value added based on the specific challenges their countries face.

7. Invest in evidence-based research and learning

- OGP could do more to **support learning at the country-level.** We need to understand the unique challenges, capacities, resources and incentives that reformers work with in their countries. While some of this analysis has happened through research, OGP should continue to create spaces and opportunities which encourage honest reflection on successes and failures. Through this OGP should double down on efforts so far to identify learning needs of reformers and address them through peer learning opportunities, political and technical skill building or further research and evidence.
- OGP's efforts in **organizational learning** have been bold so far, with a performance tracking system and research agenda in place, copious amounts of data from IRM reports, as well as a mid-term evaluation underway. These provide continuous opportunities to learn, reflect and make course corrections in our work. With the upcoming results of the mid-term evaluation, OGP will need to prove that it can maximize its successes, face up to its failures, innovate and refresh its strategies to achieve its short and long term goals.

- While undertaking research and capturing stories on impact is a priority, OGP needs to invest more efforts in **disseminating this evidence and encouraging its uptake** to key stakeholders. For example, a key area is to demonstrate how open government can create political dividends for high-level political leaders, and why it would build trust between them and their constituencies.

8. Leverage thematic leadership and peer learning to raise ambition in OGP

- OGP has successfully established the infrastructure to deliver peer exchange and learning opportunities to its 70+ countries. In 2016 alone, there have been 50 instances of peer learning either through OGP Working Groups or through bilateral, multilateral or regional dialogues facilitated by the Support Unit. The creation of these opportunities has set in motion an organic and fluid exchange of ideas between reformers on-the-ground - and has been an implicit but powerful value added of the OGP platform. However, to achieve the requisite scale of impact over the next five years, there is a **need for greater clarity on the goals of the Peer Learning program, and the mandate of Working Groups as one of the vehicles to deliver on those goals, including their resourcing and attendant incentives and mechanisms**. For example, there are calls for the Working Groups to make proactive and strategic interventions into National Action Plans rather than reactive interventions. This could mean upstream inputs into the National Action Plan such as peer-reviewed commitments. It could also mean engaging Ministers in peer learning, rather than just civil servants, in a bid to encourage politically challenging reforms in the National Action Plan. Working Groups could also engage in more downstream activities such as showcasing transformative reforms in global and regional fora to inspire competition among countries. OGP's partners could also do independent analysis on how countries fare on OGP performance relative to one another, in a bid to incentivize ambition. Whichever direction this takes, OGP needs to ensure that peer learning supports rather than disrupts the national dialogue.

More broadly, one important emerging priority is to **leverage the true ownership and leadership of OGP governments and civil society organizations in key thematic areas**, so they join together to raise the collective ambition of peer countries in those areas. In addition to better leveraging thematic leadership in existing areas of focus (e.g., fiscal openness, open contracts or access to information), there are calls for OGP principals to take a stronger thematic role in frontier areas such as digital governance, climate change and service delivery.

- OGP should provide more protected time and **space for public officials to play a role in global and regional events**, learn from each other and be inspired. OGP could create those spaces and also raise funds to invite officials from across branches of government from OGP and non-OGP countries.

9. Galvanize OGP leadership and governance to drive OGP

- OGP's leadership will undergo a test of strength in the next few months, with founding Heads of state/government passing on their roles to new actors. OGP must **anticipate and manage this leadership transition** in order to sustain the high-level political commitment OGP has enjoyed till date. In particular, the Steering Committee will face a fresh set of challenges to drive the OGP agenda both globally and nationally to catapult OGP to next level.
- In view of weak/waning political commitment and limited awareness of OGP across several countries, OGP's five-year anniversary offers an opportunity for OGP Principals to refresh their individual and collective commitment to the Partnership. For instance, government and civil society stakeholders from each OGP country could host one

national event to mark future OGP global summits or anniversary events, aiming to build awareness and ownership of OGP.

10. Align OGP's Support Unit and its partners to play a catalytic and expanded role

- OGP recognizes that the renewed focus on achieving transformative impact cannot happen without the help of our partners. To that end, OGP must **leverage existing partnerships and strategically build new ones** to help us achieve our goal.
- The refresh of OGP's strategy will also have real implications for the Support Unit and Independent Reporting Mechanisms' (IRM) **capacity to respond to our new priorities** and most importantly, support OGP countries to reach the goals of the next five years. As OGP countries' reform efforts intensify, our support must also move beyond the basics. Even while fully leveraging the Steering Committee and OGP partner organizations, this will inevitably mean building a bigger team for deeper country level engagement, investing in our core capacities and programmatic capabilities, and ensuring organizational health over the long-term.
- Specifically, for each of the key strategic directions above that are endorsed by the Steering Committee, a systematic analysis will be needed to **determine the relative roles of the Steering Committee, OGP partner organizations and the Support Unit.**

Questions for discussion

- 1) Do the 10 themes listed above capture the key priorities? What are the top 3 you would prioritize for OGP in the next five years?
- 2) Are there areas that you would like to lead on/be involved in as a Steering Committee member?
- 3) What actions are needed to refresh high-level political commitment to OGP nationally and globally?

Report on Turkey's participation in OGP

Turkey's participation in OGP has been under review by the OGP Criteria and Standards Subcommittee since January 2015, after they were found acting contrary to the OGP process for two consecutive action plan cycles due to inactivity. On April 27, 2016 Lütfi Elvan, the then Deputy Prime Minister of Turkey, sent a [letter](#)¹ to the Steering Committee, announcing that Turkey would reinstate their OGP process. During the May Ministerial level Steering Committee Meeting, the Criteria and Standards Subcommittee tabled a resolution regarding Turkey's participation in OGP, which was unanimously approved and is presented in its entirety in the box below.

Steering Committee Resolution

The OGP Steering Committee welcomes the high-level commitment of the government of Turkey to reengage with the Open Government Partnership, yet notes that the government of Turkey has acted contrary to OGP process for two consecutive action plan cycles. The OGP Steering Committee therefore resolves to provide the government of Turkey with an additional period of time to act upon its commitment and offers all necessary support to develop a new National Action Plan together with civil society. However, the government of Turkey will be automatically designated "inactive"* at the September Steering Committee meeting, barring satisfactory compliance of terms as outlined below.

Terms for preventing inactive status:

- The government of Turkey will identify both a Ministerial lead and Point of Contact to lead the development of proposals and engagement with civil society for a National Action Plan.
- By May 31, 2016, the government of Turkey will produce a publicly available plan to produce a National Action Plan, which includes the timeline of key moments, meetings, and process, including ways for civil society to participate and co-create.
- The government of Turkey will collaborate with the OGP Support Unit to organize a visit during the drafting period, which will include a comprehensive public meeting with civil society organizations.
- The government of Turkey will follow through on its promise to complete a National Action Plan by no later than September 1, 2016.

The Criteria and Standards subcommittee requires a demonstration of completion of the above points, including summary of the consultation process in the submitted National Action Plan, in line with the OGP requirements.

** For countries placed on inactive status by decision of the full Steering Committee after acting contrary to OGP process for two consecutive action plan cycles, the inactive status lasts up to a maximum of one year or until the country publishes a National Action Plan, developed with the engagement of citizens and civil society; or the country works with the Criteria and Standards subcommittee and the Support Unit to set a clear timeline to start a new action plan cycle and re-engage with civil society for producing the new National Action Plan (note, this rule derives from Steering Committee decision on inactivity agreed on April 23, 2015).*

¹ <http://www.opengovpartnership.org/country/turkey>

The Support Unit informed the Criteria and Standards Subcommittee in their July update report that it maintained communication via email and telephone with the Turkish Government after the resolution was approved, and shared a guidance document called “Outline to produce a new Open Government Partnership National Action Plan by the Government of Turkey” (included as Annex 1). None of the actions outlined in the resolution have been completed on time or otherwise.

Therefore, the Criteria and Standards Subcommittee recommends that the Steering Committee place Turkey in inactive status automatically as agreed in the resolution. During the next twelve months, the OGP Steering Committee and Support Unit will stand ready to support the Turkish government if they wish to engage with OGP along the lines of the resolution.

OGP rules on country participation

During their April 22, 2015 meeting, the Steering Committee unanimously adopted a resolution to clarify rules related to country participation in OGP. These recognized that *“all OGP participating governments should be producing new National Action Plans every two years, and that in some circumstances governments that are unable to fulfill all of their obligations under the Articles of Governance should be considered for inactive status until they take steps to re-engage in OGP.”*

Background on Turkey’s OGP participation

The following table summarizes Turkey’s review process.

First time found acting contrary to OGP process
<p>The government of Turkey submitted their letter of intent on September 12, 2011 and presented their first National Action Plan in 2012.</p> <p>On April 30 2014, the Support Unit (SU) sent a letter² to inform the government of Turkey they were found to be acting contrary to OGP process for the first action plan cycle and the IRM was unable to produce a report because:</p> <ol style="list-style-type: none"> 1. IRM and SU were unable to make contact with a government representative. 2. No self-assessment report was submitted on the National Action Plan. 3. Attempts made to verify activities outlined in the National Action Plan found little evidence that OGP commitments were being implemented. <p>The SU then asked Turkey to publish its second National Action Plan before June 30, 2014.</p>
Second time found acting contrary to OGP process
<p>The government of Turkey failed to deliver a new National Action Plan in time, deadline June 30, 2014, and also missed a further deadline of October 31, 2014. This meant that it was over 4 months late and had acted contrary to OGP process for a second consecutive time.</p> <p>On November 26, 2014 the SU sent a letter³ to Turkey to inform “that, based on OGP policies, the Government of Turkey has acted contrary to the OGP process for two consecutive action plan cycles.”</p>

² <http://www.opengovpartnership.org/sites/default/files/OGP Letter - Turkey.pdf>

Criteria and Standards Review Period

Since the government of Turkey failed to deliver a new National Action Plan by December 31, 2014; it was moved automatically to the odd year calendar with a new due date for the National Action Plan of June 30, 2015.

As part of the Criteria and Standards Subcommittee review, the government of Turkey was invited to attend their in-person meeting on March 9, 2015. However, the official point of contact in the Turkish Government sent his apologies due to illness. The subcommittee members asked the SU to request a letter from the government of Turkey outlining the steps they were taking to resume full participation in OGP, including a timeline for co-creating their National Action Plan with civil society by the new deadline of June 30, 2015.

Before the June 30 deadline expired, the government of Turkey reengaged with the SU and participated in the European Point of Contact Conference in Tbilisi, Georgia in June 2015. The point of contact requested an extension until a new government was formed after the June 2015 elections.

During the July 22, 2015 Steering Committee Meeting, the Criteria and Standards Subcommittee advised that no decision should be taken until a new government was formed following the June elections. Although the government POC engaged with the Support Unit, the political situation prevented the development of a new National Action Plan as a new set of elections took place on November 1, 2015.

During the October 26, 2015 Steering Committee meeting, the subcommittee announced that they had agreed to give the government a two-month extension to indicate its interest in participating in OGP, before considering Turkey for inactive status on December 31, 2015.

On December 17, 2015, the POC informed the subcommittee that he would be leaving his position.

On February 23 and 24, during their yearly meeting, the subcommittee agreed to ask the co-chairs, and other Steering Committee members to invest political and diplomatic capacity to make a final outreach to Turkey to reengage in OGP prior to the Ministerial level Steering Committee meeting in South Africa on May 3-4th, 2016. If no response was received before the Steering Committee meeting, Criteria and Standards decided that it would then make a recommendation to the full Steering Committee that Turkey be considered inactive.

On April 27, Lutfi Elvan, Deputy Prime Minister of Turkey sent a [letter](#)⁴ to the Steering Committee to inform that they would reinstate their OGP process and had already started drafting their new National Action Plan.

In light of this communication the subcommittee modified their agreed upon resolution and presented the Steering Committee with a new version, which was agreed, that outlined a timeline and the steps that the Turkish government would have to comply in order to remain an active participant in OGP.

³ <http://www.opengovpartnership.org/sites/default/files/141126-Letter-to-Turkey.pdf>

⁴ http://www.opengovpartnership.org/sites/default/files/styles/large/public/The Letter of H.E. Mr. L%C3%BCtfi Elvan Deputy Prime Minister of Turkey_0.jpg?itok=9QINP9jd

Summary of Communications between the Turkish government and the Support Unit since the May Steering Committee resolution was approved

Communication	Author	Date	Description
Email	Alonso Cerdan	May 10, 2016	Introductory email to arrange phone call.
Email	Bilal Yıldız	May 11, 2016	Introductions and call details.
Email	Alonso Cerdan	May 12, 2016	Call logistics
Email	Bilal Yıldız	May 12, 2016	Call logistics
Email	Alonso Cerdan	May 13, 2016	Call logistics
Email	Bilal Yıldız	May 13, 2016	Call logistics
Call	Bilal Yıldız and Alonso Cerdan	May 16, 2016	<p>Call to discuss the resolution, next steps and probable trip to Ankara from the SU.</p> <p>First item would have been to confirm Mr. Yıldız as the OGP POC and Deputy Prime Minister Elvan as the OGP high level point of contact. Due to probable changes in the government, this could not be accomplished.</p>
Email	Alonso Cerdan	May 25, 2016	<p>Email to send Support Unit prepared document: "Outline to produce a new Open Government Partnership National Action Plan by the Government of Turkey" and to introduce Civil Society Engagement Director Paul Maassen.</p> <p>The SU also requested an update on the high level contact for OGP.</p>
MAY 31 - Deadline set out in the resolution to produce the "publicly available plan to produce a National Action Plan, which includes the timeline of key moments, meetings, and process, including ways for civil society to participate and co-create."			
Email	Bilal Yıldız	June 3, 2016	<p>Mr. Yıldız was thankful for the materials and informed that Nurettin Canikli would be the new Deputy Prime Minister in charge of the OGP agenda.</p> <p>Mr. Yıldız informed the SU that he would seek a meeting with Deputy Prime Minister Canikli to discuss OGP and follow up with the SU on the next steps.</p>

Email	Alonso Cerdan	June 9, 2016	Email to request a call to follow up on items and receive an update.
Email	Alonso Cerdan	June 16, 2016	Email to follow up on request for a call and request to settle dates for the SU visit.
Email	Bilal Yildiz	June 20, 2016	Email to request a call on the following week.
Email	Alonso Cerdan	June 20, 2016	Email to follow up and request time and date for a call.

Outline for an OGP National Action Plan - Turkey (proposal by the OGP Support Unit)

1. Introduction

This is a brief section that should include information on the government of Turkey commitment to OGP, the broad co-creation process and key contact information of the ministry that will lead and any other public organization that be involved.

2. Development process

This section should provide a detailed description of the co-creation process that highlights:

- 1. An overview of the main steps that will be followed and especially the way in which civil society and other non-governmental actors can participate throughout the process.*
- 2. The awareness raising activities that will be held for stakeholders - both inside and outside government - that are likely to be interested; and also with actors that have not been involved before.*
- 3. The way in which the Turkish government will keep all members of the public informed about all core aspects of the national OGP process (website?)*
- 4. The key moments and channels (in-person and online) for interested actors to provide inputs and discuss priorities. Especially detailed information on in person consultation moments that will be organized to discuss priorities between civil society and government actors.*
- 5. The roles and responsibilities in the consultation process and especially information about the decision making process for selecting the commitments in the NAP (when, who).*

3. Timeline

This section draws from the last one. It should include a Gant chart or other representation about the process and timing for the different moments during the co-creation process. It is particularly important to highlight the exact dates, times and venues when the in person and virtual consultation forums will take place.

4. Documentation and feedback

This section should provide information to everyone interested about the way in which the co-creation process (e.g. inputs received, discussion summaries) will be documented and presented. This can include commitments to

- a. Publish all individual written contributions to the NAP development available online in open data format.*
- b. Explain for the main issue areas for which commitments were suggested why they were or were not included in the NAP.*
- c. Make a summary of the public consultation contributions and deliberations of their inclusion in the NAP.*

5. Contact information

Update on countries under review

Updates on countries under review (response policy): Azerbaijan and Hungary

Azerbaijan

Since being placed in inactive status, the Support Unit (SU) has maintained regular communication with the Azerbaijan government. The SU has provided continuous support in order to help them develop a strong permanent dialogue mechanism; an update on this item is due next Friday September 9th. The SU also tried to get the government of Azerbaijan to participate in the Asia-Pacific OGP event that took place in Manila during the week July 19. Unfortunately, they were unable to attend.

Following up on action items from the last Steering Committee meeting, the governments of France and Georgia along with Veronica Cretu, Suneeta Kaimal and Nathaniel Heller volunteered to support Azerbaijan during this stage. The SU finalized the terms of reference and activity calendar for this group and is currently planning a visit to Baku during the last quarter of 2016.

Hungary

On July 8, 2015, four civil society organizations submitted a letter of concern to OGP, under the Response Policy, regarding the climate for civil society to operate in Hungary. On June 23, 2016 the Criteria and Standards subcommittee published a [report¹](#) that found the concerns expressed in the letter to be relevant to the government of Hungary's participation in OGP and to the text of the Open Government Declaration. The subcommittee also agreed that the evidence presented to support the concerns was credible.

Under the items outlined in Stage 1 actions, the Criteria and Standards subcommittee drafted a [document²](#) that outlines the actions to be taken by the government of Hungary to restore a positive operating environment for civil society.

The SU visited Budapest on July 9 and met representatives from the government and civil society. The SU clarified the process and nature of recommendations to all actors involved. The Hungarian government has not yet formally responded to the Support Unit or subcommittee.

¹ http://www.opengovpartnership.org/sites/default/files/Hungary_Review_Team_Report_Final.docx

² http://www.opengovpartnership.org/sites/default/files/Proposal_for_dialogue_with_Government_of_Hungary_final.docx

Updates on countries under review (acting contrary to process)

Australia

Australia has not delivered a National Action Plan since they sent their letter of intent in May 2013. On November 24, the Support Unit received a [letter](#)³ from Prime Minister Malcolm Turnbull, that established that they would finalize Australia's participation in OGP by developing a National Action Plan to be delivered by July 1. The government of Australia soon after appointed a point of contact, initiated extensive consultations developed a draft action plan. Two members of the Support Unit traveled to Australia in mid-April to attend a national planning workshop on OGP and met both government and civil society representatives.

Parliament was dissolved in April and new elections took place on July 2, with the Prime Minister returning to power but with a reduced majority. The Department of Prime Minister and Cabinet has once again initiated consultations through both an online forum and the Interim Working Group which has six government and six civil society representatives. They have expressed confidence that the first Australian Action Plan will be submitted before the end of October.

Montenegro

Montenegro joined OGP in September 2011. Montenegro placed second in the first edition of the Open Government Awards in 2014, and following that they appointed an OGP team from the Prime Minister's office. However, they were unable to submit an action plan in 2014. Throughout 2015 they developed an action plan and made significant progress in formalizing a draft through a newly established national council on OGP (with both civil society and government participants). The council was dissolved in June 2015 after a court found it had been illegally established. It was reestablished shortly after with a very similar membership, but there has been an ongoing risk of the government changing and this has stalled the work on OGP for the past six months.

The OGP Support Unit has informed the government of Montenegro that it acted contrary to OGP process through emails as well as through official letters in [November 2014](#)⁴, [November 2015](#)⁵ and [January 2016](#)⁶. The government has continued to actively participate in OGP conferences over this time (including the European point of contact conference, Western Balkans regional meeting, and Mexico Global Summit). Two government representatives joined the February 2016 Criteria and Standards meeting via videoconference to update the subcommittee on their efforts to complete an action plan with civil society. In this conversation and others, representatives from both civil society and

³ <http://www.opengovpartnership.org/country/australia>

⁴ <http://www.opengovpartnership.org/sites/default/files/141117-Letter-to-Montenegro.pdf>

⁵ [http://www.opengovpartnership.org/sites/default/files/OGP Letter - Montenegro - Nov. 15.pdf](http://www.opengovpartnership.org/sites/default/files/OGP%20Letter%20-%20Montenegro%20-%20Nov.%2015.pdf)

⁶ <https://drive.google.com/drive/u/0/folders/OB0kclm9JbUOtakZ3WDcxcHBZbnc>

government have expressed the desire to keep working on the action plan, and they have reported recently that they are quite close to a final action plan. However, the plan was not submitted before June 30, 2016 and the Support Unit once again sent a letter in early August to the Minister responsible for OGP, urging the government to finalize the plan.

Turkey

Update provided separately

Memorandum

To: Members of Criteria & Standards Subcommittee
From: Mukelani Dimba (w/ OGP Support Unit)
Date: August 28, 2016
Re: Proposed Policy Guidance on Legislative Engagement in OGP

There has been an increasing level of legislative engagement in the OGP process, since the launch of the Legislative Openness Working Group at the OGP Summit in London in 2013. Over this three-year period, a great deal of knowledge has been developed, both with respect to the opportunities and benefits of parliamentary engagement in OGP, as well as the practicalities associated with legislative engagement.

The need for a more formal policy has become clear, particularly as various parliaments in OGP countries have developed and adopted “open parliament action plans”, sometimes using the OGP processes and brand.

The Criteria & Standards subcommittee of the OGP Steering Committee started discussing the modalities of more formal legislative engagement in July 2015. Early 2016 some of its members - together with the Support Unit drafted a [Discussion Paper on the Role of Legislatures within the OGP Framework](#)¹ (the Discussion Paper), to inform a Steering Committee ‘strategy discussion’ on legislative engagement in OGP at the May 3-4, 2016 meeting in Cape Town, South Africa.² The reaction of the Steering Committee to the need for more clear policy guidance and to enhanced legislative engagement in OGP has been uniformly positive. Specifically, the Steering Committee minutes indicate that “*Steering Committee members agreed that a proposal should be developed and presented to the full Steering Committee at its next meeting in September.*”

This draft Policy Guidance paper incorporates input received from Steering Committee members since the Cape Town meeting, as well as additional input from the Support Unit, members of the Legislative Openness Working Group, the United Nations Development Programme and other key stakeholders.

This draft Policy Guidance paper aims to clarify the key principles for legislative openness efforts within OGP, ensure that these efforts are in line with OGP Articles of Governance and mitigate any reputational risks to OGP. It reflects a consensus on how to balance both the needs and constraints of OGP participating countries, Support Unit, IRM and the separate institutional needs and constraints associated with parliament. The paper builds on the Discussion Paper and subsequent consultations with the OGP Support Unit, leadership and members of the Legislative Openness Working Group, Steering Committee members and multilateral institutions involved in supporting OGP.

The paper should ideally be agreed to by the Criteria & Standards subcommittee at their September 1 call and then submitted to the full Steering Committee for review and approval at the September 21 Steering Committee meeting. The OGP Global Summit in December will provide an opportunity to formally launch this Policy Guidance paper.

¹ [http://www.opengovpartnership.org/sites/default/files/Steering Committee Packet - Cape Town May 2016 %282%29.pdf](http://www.opengovpartnership.org/sites/default/files/Steering%20Committee%20Packet%20-%20Cape%20Town%20May%202016.pdf)

² The Discussion Paper drew in part on an [options memo](http://tinyurl.com/jy2rmqa) (<http://tinyurl.com/jy2rmqa>) prepared by the Working Group, on contributions by other key actors on legislative engagement and on scoping research by Fola Adeleke.

Policy Guidance

Legislative Engagement in the Open Government Partnership

I. Background on Legislative Engagement in OGP

Legislative Openness has been on the OGP agenda since the early days. The Legislative Openness Working Group (the Working Group) - led by the National Democratic Institute (NDI) and the Congress of Chile - was formally launched at the Open Government Partnership (OGP) Summit in London on October 31 to November 1, 2013. Along with four other thematic Working Groups, the Legislative Openness Working Group was formed in response to growing demand throughout the OGP community for support and peer learning opportunities for participating parliaments. At the time of the launch of the Working Group, few parliaments were participating in the domestic OGP process and there was limited parliamentary awareness of OGP, despite the multiple benefits provided by deeper parliamentary engagement.

Since its launch, over 45 OGP member country legislatures have engaged in Working Group activities, over 70 meetings or conference sessions have been organized, 15% of all OGP commitments require legislative action, several NAPs expressly include commitments from the legislative branch (Ghana, Kenya, Greece and others) and four national parliaments (Chile, France, Georgia, Ukraine) have developed independent parliamentary openness plans, which are separate from NAPs done by the executive branch though seem to adhere to similar principles as the domestic OGP process. The significant growth in parliamentary participation speaks to both the demand for an enhanced role for the legislature as well as the value of greater legislative engagement.

The Criteria & Standards subcommittee of the OGP Steering Committee started discussing the modalities of more formal legislative engagement in July 2015. In early 2016, some of its members, together with the Support Unit, drafted a [Discussion Paper on the Role of Legislatures within the OGP Framework](#)³ (the Discussion Paper), to inform a Steering Committee 'strategy discussion' on legislative engagement in OGP at the May 3-4, 2016 meeting in Cape Town, South Africa.⁴

The Discussion Paper builds on more than three years of experience in engaging legislatures in OGP. It presented four options for consideration going forward. The reaction of the Steering Committee to the Discussion Paper and to enhanced legislative engagement in OGP has been uniformly positive. In Cape Town, Steering Committee members recommended the development of a draft policy, focusing on Options 2 and 3 outlined in the Discussion Paper. Option 2 involved the development of specific open parliament commitments as a separate chapter of the National Action Plan (NAP); Option 3 would allow parliaments to develop their own-stand alone separate action plans, but following parallel guidelines.

³ [http://www.opengovpartnership.org/sites/default/files/Steering Committee Packet - Cape Town May 2016 %28%29.pdf](http://www.opengovpartnership.org/sites/default/files/Steering%20Committee%20Packet%20-%20Cape%20Town%20May%202016.pdf)

⁴ The Discussion Paper drew in part on an [options memo](#) (<http://tinyurl.com/jy2rmqa>) prepared by the Working Group, on contributions by other key actors on legislative engagement and on scoping research by Fola Adeleke.



Specifically, the Steering Committee minutes indicate that “*Steering Committee members agreed that a proposal should be developed and presented to the full Steering Committee at its next meeting in September.*” This policy paper, submitted to the Steering Committee by the Criteria & Standards subcommittee for review and approval at their September 2016 meeting, incorporates input received from Steering Committee members since the Cape Town meeting, as well as additional input from the Support Unit, Steering Committee members, members of the Legislative Openness Working Group, the United Nations Development Programme and other key stakeholders.

II. Contributions of Parliaments to Advancing Open Government

In the three years since the creation of the Working Group, the value that parliaments add to the OGP process has been clearly demonstrated. In particular, OGP recognizes that parliaments can advance open government through OGP in the following ways.

- **Enactment of, and Resourcing Implementation of, Open Government Reform.** Legislatures, in their power to legislate and allocate resources, play a key role in supporting sustainable open government reforms. Indeed, legislative action is required (through the adoption of an access to information law) for a country to even become eligible for OGP membership. Parliaments have a valuable role to play in encouraging countries to become eligible and consider joining OGP. Legislation and budgetary resources help ensure that executive branch OGP commitments are sustainable and effectively implemented. A productive role for the legislature helps ensure the institutionalization and effective implementation of open government commitments. It is also noted that parliaments can play an important role in pushing for more ambitious OGP commitments and can help spread knowledge regarding OGP and membership requirements with peers in non-OGP countries.
- **Sustainability of Open Government Reforms Across Administrations.** When OGP engagement becomes closely associated with a single administration, there is a risk that OGP progress will suffer when a new government is elected. Engaging parliaments in OGP can help both build political support across the political landscape and ensure that changes in government do not weaken active national participation in OGP. There have been excellent examples of very collaborative parliamentary engagement that have included both government MPs, opposition MPs, and civil society working collaboratively together. For instance, the Inter-Factional Working Group of the Parliament of Georgia was recognized with the first Open Government Champion Award at the OGP Summit in Mexico City for its collaboration with civil society in the development of an open parliament plan.
- **Oversight of National Action Plans.** Most legislatures have the constitutional responsibility for overseeing government activity, including government implementation of the NAP. Although the Independent Reporting Mechanism provides valuable feedback on the implementation of NAP commitments, parliamentary oversight help increase the likelihood that actions are taken in response to that feedback, providing valuable accountability to encourage full implementation of NAP commitments. This is a crucial need to overcome the implementation gap. For instance, public hearings that review the Independent Reporting Mechanism report may be a valuable addition to the review process, particularly if parliaments are supported to ensure that hearings are conducted in a professional, constructive manner.



- **Advancing Legislative Openness.** While legislative participation in OGP can advance open government reforms broadly, greater participation can also support institutional reform by encouraging legislatures to make commitments to open their information and processes. Insofar as open government is an attempt to build citizen trust and strengthen the relationship between the public and their government, legislatures play a key role in realizing these goals as the representative branch of government.

III. Policy Guidance on Legislative Engagement in OGP

Recognizing the benefits of regularizing parliamentary engagement in OGP for the reasons discussed above, the OGP Steering Committee makes the following Policy Guidance statements to facilitate and encourage parliamentary engagement within OGP. The Policy Statements are also intended as guidance to the OGP Support Unit and the IRM with respect to parliamentary engagement.

In summary OGP' approach going forward can be summarized in the six points below (with more detail below):

1. OGP encourages parliamentary engagement in many forms - from peer learning in the working group, to MPs playing a leading role passing relevant legislation, and participation in events to parliament-driven chapters of National Action Plans.
2. Parliaments in OGP countries that wish to develop open parliament commitments, should do so either integrated as part of the official NAP **or** as a separate parliamentary chapter of the official NAP. Regardless of how commitments are integrated into the NAP, the IRM and the Criteria and Standards sub-committee will continue to assess the country at the national level.
3. If Parliaments opt to develop a separate chapter of the NAP they should do so in a way that is consistent with OGP principles and participation requirements (e.g. IRM, self-assessment and co-creation).
4. Countries should seek synergy between the commitments initiated by the executive and those initiated by the parliament.
5. The primary point of contact for the OGP Support Unit remains the POC in the executive branch of government. All OGP member countries - and especially those developing open parliament chapters - are however encouraged to consider designating a parliamentary focal contact primarily to facilitate interaction on open government efforts at the national level and with the LOWG.
6. OGP will assess this policy guidance 18 months after approval to see if the guidance needs to be amended and/or if additional efforts by OGP on legislative openness need to be considered.

1. **OGP encourages parliamentary engagement in many forms - from peer learning in the working group, to MPs playing a leading role passing relevant legislation, and participation in events to parliament-driven chapters of National Action Plans.**

OGP recognizes that parliamentary engagement may vary widely among OGP member countries with different national systems, different constitutional frameworks, and diverse political environments. Countries with parliamentary systems, for instance, may, in some instances, be better positioned to ensure legislative-executive collaboration on OGP than separation-of-powers countries. Given that OGP has to accommodate a range of



constitutional and political contexts, OGP recognizes the importance of a flexible, responsive parliamentary engagement policy that does not assume that “one-size-fits-all.”

A core role in providing inspiration and facilitating connections and learning is played by the members of the LOWG. They are a core driver of parliamentary engagement through their daily work, their LOWG activities like GLOW and through OGP meetings and events like the Global Summits and Regional Meetings.

When it comes to implementing OGP commitments, it has been noted, that some 15% of NAP commitments require legislative action, and a several of these commitments involve the process by which laws are developed. That is another core aspect of parliamentary engagement.

This policy guidance primary aim is to create a framework for more parliamentary commitments, either within the existing NAP structure or as a separate parliamentary chapter. Some parliaments however may feel that it is not possible to work fully within the core OGP framework (e.g. co-creation; 2-year plans according to a prescribed timeline). For example, in some countries, parliaments may not be in session in the months before a NAP is being finalized. In other countries, it may be more challenging for parliaments to develop “stretch” commitments that would survive under a successor parliament than it may be for government ministries to engage in long-term planning.

Similarly, a parliament in a country that is not participating in OGP may also wish to advance open parliament commitments. However, plans that do not follow the OGP framework or plans that are developed by parliaments from non-OGP countries would not be supported by the OGP Support Unit and would not be assessed by the IRM. They should not be considered to be formally part of OGP, and should not use OGP branding⁵. However, OGP recognizes the value of these independent efforts to advance parliamentary openness and welcomes efforts to share the content and best practices from all parliaments within the work of the Legislative Openness Working Group, regardless of the particular mechanism they choose to advance parliamentary openness.

- 2. Parliaments in OGP countries that wish to develop open parliament commitments, should do so either integrated as part of the official NAP or as a separate parliamentary chapter of the official NAP. Regardless of how commitments are integrated into the NAP, the IRM and the Criteria and Standards sub-committee will continue to assess the country at the national level.**

Currently, the majority of NAP commitments relate to the executive branch of government. OGP encourages parliamentary involvement in the development, implementation and review of these action plan commitments, but also welcomes national legislatures to include open parliament reform commitments in the NAP, as some countries have done. The Criteria & Standards subcommittee agreed in July 2015 that their strong preference is to have one OGP NAP per country. It is noted that a NAP is just that --- a *National* Action Plan, rather than an executive action plan. It is strongly encourages that governments and parliaments coordinate in the development of a national action plan (see point 4).

Building on the above, while recognizing that legislatures are a separate branch of government, parliaments in OGP countries that wish to develop open parliament commitments should do so by one of two options:

⁵ This has for instance been the case for the Open Parliament Action plan of Costa Rica: <http://accesa.org/2015/10/20/directorio-legislativo-presenta-junto-con-alianza-por-una-asamblea-abierta-el-plan-de-acciones-prioritarias-para-la-apertura-legislativa/>.



- The first option, which most OGP countries currently follow, is to integrate open parliament commitments directly in the “Commitment” section of NAPs.
- The second option as a separate chapter of the NAP.

Whatever option is chosen, it is strongly encouraged that lead actors in the executive and in parliament coordinate and seek synergy and coherence.

- 3. If Parliaments opt to develop a separate chapter of the NAP they should do so in a way that is consistent with should adhere to all OGP principles and participation requirements, guidelines and timelines that are in place for NAPs (e.g. IRM, self-assessment and co-creation); including the IRM monitoring protocol and process).**

Parliaments of OGP countries should adhere to the principles of the Open Government Declaration and the Articles of Governance (particularly addendum B & C), especially when they develop open parliament commitments. For instance, parliaments of OGP countries should support public participation of all people, equally and without discrimination, in decision making and policy formulation and should create mechanisms for greater collaboration between parliaments and civil society in development of open parliament commitments. Parliaments that wish to signal further commitment to open parliament principles may also consider endorsing the *Declaration on Parliamentary Openness*, a series of principles on access to information and citizen participation that has been endorsed by over 180 civil society organizations in 80 countries, as well as a growing number of legislatures.

For parliaments that decide to develop a separate chapter of the NAP, parliaments should adhere to the exact same guidance as national governments. In particular, the chapter should:

- Cover the same period of time as the NAP (2 years);
- Be submitted to OGP as part of the NAP through the official government POC and thus be submitted and commence at the same time as the NAP;
- Follow the OGP co-creation guidelines and thus be developed and implemented in partnership with civil society;
- Follow NAP development guidance on for example format and SMARTness of commitments (e.g. define implementing partners, define milestones, identify link to key OGP values);
- Be subject to the process and timeline of the country’s review by the Independent Reporting Mechanism. Per country there will only be one IRM process and for each NAP cycle one IRM Progress Report and one IRM End of Term report.
- Parliament must develop a self-assessment chapter (both on progress and End of Term) that will be included in the countries self-assessment and delivered by the official POC. Parliaments should prepare for that review in the same way that governments do, for example, by actively monitoring the implementation of the action plan commitments as well as by retaining clear records of the consultative process used to develop them.
- It should be noted that inclusion of parliaments will not affect the definition of “acting contrary to OGP process”. This will continue to be addressed at the national level.

- 4. The primary point of contact for the OGP Support Unit remains the POC in the executive branch of government. All OGP member countries - and especially those developing open parliament chapters -**



are however encouraged to consider designating a parliamentary focal contact primarily to facilitate interaction on open government efforts at the national level and with the LOWG.

This policy guidance paper is an important step forward in enabling and hopefully inspiring a strong uptake of parliamentary engagement. Strategically supporting reformers at country level to develop and implement ambitious commitments is however challenging and time-intensive and the capacity of the OGP Support Unit limited. While recognizing the reality of an increasing set of demands on the OGP Support Unit, both the level of engagement by parliaments in OGP and the benefits of this engagement may merit increased support by the OGP Support Unit. This should be an explicit point of discussion in the 'OGP strategic refresh'.⁶

Until that process is concluded the space for the Support Unit to support a strong uptake of parliamentary engagement is very limited. At this point the Support Unit *can* commit, with the support of the LOWG, to write to all participating country parliaments once after this policy guidance is approved, providing contact details of lead ministry and PoC, introducing the general basics of OGP and the specifics of their national OGP cycle, highlighting the options for parliamentary engagement and hopefully inspiring them to action. Follow up to that introduction will then need to come from the LOWG and other key interested actors in the field to make this concrete.

As a means of formalizing parliamentary participation, OGP countries may consider designating a parliamentary lead (PL). PLs would not change the role of the existing OGP points of contact (POCs), who would remain the primary channel of communication between the Support Unit and OGP countries and the overall point of contact with respect to the NAP. However, identifying a PL would provide the Support Unit, the Working Group, the POC and other (national) stakeholders with a clear channel of communication with parliaments (if needed/desired), which would facilitate sharing information about OGP events, the release of IRM report, progress on developing and implementing NAPs, and other useful information. PLs would also be able to facilitate peer exchange and learning between participating parliaments. Lastly, maintaining a liaison in the executive legislative would help facilitate inter-branch collaboration and dialogue related to OGP.

Recognizing the diversity of legislative practice and the variety of political and constitutional contexts among OGP members, the selection of PLs should be left to the legislatures. The role could be successfully filled by a variety of individuals. For instance, a PL could be a senior administrative or technical officer, the presiding officer, an advisor to the presiding officer, the chair of a relevant parliamentary committee, or a lead staffer for that committee. The Legislative Openness Working Group has developed a [Toolkit for Advancing Legislative Openness](#)⁷, which can be used as guidance for PLs.

5. Countries should seek synergy between the commitments initiated by the executive and those initiated by the parliament

It is recommended that there is coordination between government and parliament to see how development and delivery of ambitious commitments can be facilitated as best as possible. It is strongly encouraged that governments connect and seek synergy.

⁶ If resources allow, the Support Unit may wish to consider the hiring or designating a point of contact within the Support Unit responsible for facilitating communications with participating parliaments, liaising with the Legislative Openness Working Group, supporting the development of legislative commitments, facilitating collaboration between the executive and legislative where needed, and ultimately growing the number of participating parliaments. Recognizing resource limitations faced by the Support Unit, a cost sharing arrangement with a participating parliament or civil society organization could be explored.

⁷ <https://docs.google.com/document/d/1EZ4tSUUpWTZupRaYiLzIL4eB8dA9RckKpCASQgclCjXM/edit>



If a country opts for a separate chapter, experience shows that countries have found it helpful to have a coordinating meeting to help ensure that there is synergy between commitments developed by each branch. Countries should explore if they prefer to have one commitment development process or two. OGP requires a country to establish a Permanent Dialogue Mechanism. Representatives from parliament and/or the PL should be part of the country's PDM. There already are examples of this practice where some countries had decided, for example, that institutions of traditional leadership or Members of Parliament are allocated representation in the PDM. OGP does not encourage separate PDMs for parliament.

There is recognition that most countries in the OGP might already have highly developed processes for public participation in legislative work. Where a country decides to run a separate legislative commitment development process following their standard public consultation processes, the PDM should ensure that such process followed by the legislative authority meets the OGP's basic requirements on public consultations and the co-creation guidelines.

6. OGP will assess this policy guidance 18 months after approval to see if the guidance needs to be amended and/or if additional efforts by OGP on legislative openness need to be considered.

Given the continued evolution of parliamentary engagement in OGP, based on the above policy recommendations, it may be appropriate to review this guidance after an 18 month period to ensure that the Policy Guidance reflects as much as possible the needs of the OGP parliamentary community, while also protecting the core principles, priorities and guidelines of the OGP model.

The above policy guidance is based on three years of legislative experience with respect to parliamentary engagement in OGP and resolves important issues in with respect to how to facilitate parliamentary engagement. However, parliamentary engagement in OGP continues to increase, there may be additional questions for review and consideration by the Steering Committee in the coming years as further experience is gained. For example, over time it might be helpful to develop clearer guidance on the role of parliaments in organizing and planning the OGP Summit. It should be noted that the Steering Committee and its members have been already been very creative in finding ways to incorporate parliamentary perspectives into the Steering Committee. For example, the Government of Chile has sought to include legislative representatives in its Steering Committee delegations and past and incoming civil society representatives on the Steering Committee also bring deep experience with respect to parliamentary monitoring and reform.





NEPAD PLANNING AND COORDINATING AGENCY
OFFICE OF THE CHIEF EXECUTIVE OFFICER

Date: 30 June 2016
Ref: NPCA/MPSA/0114/Jun

H.E. Ms. Ayanda Dlodlo, MP
Deputy Minister of Public Service and Administration
The Republic of South Africa
Private Bag X916
Pretoria 0001, South Africa

Dear Excellency,

NEPAD Agency Intent to Officially Join the Open Government Partnership (OGP) and Support African Member States in Open Government Reforms

The NEPAD Agency would like to formally express its intent and readiness to join the Open Government Partnership through H.E. Deputy Minister of Public Service and Administration, as Co-Chair from Africa.

The Agency which is the technical body of the African Union responsible for the implementation of the Continent's Agenda 2063 and NEPAD programme, as well as supporting member states in Agenda 2030, is guided by the principles of inclusive partnerships for citizen-led development. It is in this view that the NEPAD Agency expresses its intent as a regional body to serve with the OGP's current multilateral partners in supporting countries to undertake open government reforms across Africa.

NEPAD's commitment to the scaling-up of open government principles articulated in the Open Government Declaration presents an opportunity for the Agency to actively support participating and interested countries in a variety of ways. Notably, NEPAD is in a position to help to coordinate efforts, mobilize technical support and facilitate knowledge-sharing and peer-exchange between government and civil society within countries and also at the regional level.

Further, the Agency has the capacity to promote lesson-sharing and learning through the capturing and dissemination of country-level experiences. We are also available to contribute in the strengthening of public institutions and related mechanisms for public participation.

We look forward to partnering with the Government of South Africa and other key stakeholders in the successful implementation of the OGP.

Please accept, Your Excellency, the assurances of our highest consideration.

Yours sincerely,

Dr. Ibrahim Assane Mayaki
Chief Executive Officer

Open Government Partnership and Multilateral Engagement: A Framework for Cooperation

The Open Government Partnership (OGP) welcomes engagement and cooperation with multilateral organizations seeking to support the efforts of OGP participating and aspiring countries to increase transparency, effectiveness and accountability in keeping with the principles of OGP. OGP recognizes that multi-lateral organizations have strong comparative advantages in helping achieve OGP's goals given their close linkages with governments, their presence on the ground in many OGP countries, their in-house technical expertise, their convening power—as well as their shared objectives.

Through OGP's work with multilateral organizations, it seeks to promote and enhance OGP participation for all stakeholders at the country level, and to mainstream the principles of open government throughout international policies and processes.

This framework document identifies areas in which multilateral bodies can support Open Government/OGP and provides guiding principles to help frame cooperation and engagement with OGP and stakeholders in its participating countries.

Ways Multilateral Bodies Can Assist OGP and OGP Aspirant Countries

Broadly speaking, there is a five-phase life cycle for country participation in OGP: eligibility, country action plan development, action plan implementation assessment, and finally, the development of follow-on action plans. There are many ways in which multilateral organizations can assist OGP countries, and OGP itself as an initiative, during each phase, including through the provision of funding, technical assistance, convening governments, civil society and other actors to foster learning and innovation across countries, research and data, best practices and lessons learned, and technical analysis:

- **Phase I—eligibility.** In this phase, assistance could involve working with countries that are close to attaining eligibility to improve policies, and undertake actions that will help them qualify for OGP.
- **Phase II—development and/or refinement of new and existing OGP Action Plans.** This could include sharing best practices and lessons learned for robust, effective engagement with civil society, carrying out or providing analysis related to areas in which government should seek to improve openness, or providing technical assistance to governments to help determine which reforms are contextually appropriate, ambitious, and achievable as part of their OGP Action Plans.
- **Phase III—implementation of commitments contained in Action Plans.** This would include helping governments identify the activities needed to effectively carry out each of the commitments they have made in their Action Plans, as well as helping countries set up mechanisms for carrying out the activities themselves. In particular, multilaterals can assist OGP by using their convening power and information

channels to fully involve and engage civil society actors at the country level, and by helping governments to develop ways that they can more creatively and effectively engage citizens.

- **Phase IV—assessment of progress on Action Plan implementation.** Countries may want or need support in carrying out the self-assessment required of all OGP countries at the end of each 12-month implementation period, or to develop means through which to conduct periodic reviews during the implementation period to ensure implementation goals are on track.
- **Phase V—Development of follow-up Country Action** This may include technical assistance in implementing recommendations provided in IRM assessments, as well revising current Action Plans or developing a new one.

Becoming an Official OGP Multilateral Partner Organization

Letter of Intent

All multilateral bodies interested in partnering with OGP to support OGP-related activities at the country/regional/international level should send a letter of intent to the OGP Steering Committee Co-Chairs that includes the following information:

- An endorsement by the multilateral organization of the following OGP principles and objectives:
 - **We recognize** that countries are at different stages in their efforts to promote openness in government, and that each country pursues an approach consistent with its national priorities and circumstances and the aspirations of its citizens.
 - **We accept** responsibility for seizing this moment to strengthen our commitments to promote transparency, fight corruption, empower citizens, and harness the power of new technologies to make government more effective and accountable in countries around the world.
 - **We value civic participation and commit to promoting engagement with civil society in our work with OGP participating countries.**
 - **We embrace principles of transparency and open government** with a view toward achieving greater prosperity, well-being, and human dignity.
 - **We acknowledge that open government is a process** that requires ongoing and sustained commitment.
 - **We will look for opportunities to lead by example** and will help contribute to advancing open government by sharing best practices and expertise to foster innovation, and not to define standards to be used as a precondition for cooperation or assistance or to rank countries.
- A commitment by the multilateral organization to operate according to the guidelines contained within this *Framework for Cooperation* for all OGP-related activities

- A general outline of the areas in which the multilateral organization seeks to support/work with OGP, and how these objectives align with OGP's overall goals and principles and as well as those of the organization/initiative

Following receipt of this letter, the OGP Steering Committee will review and—absent any objections—approve the letter. The Co-Chairs will then send a formal letter of acceptance to the relevant multilateral partner. All approved letters of intent will be posted on OGP's website and these multilateral organizations will join the official list of OGP multilateral partners. The Steering Committee will review each partnership on a yearly basis.

After Letter of Intent

Once letters of intent have been accepted, all multilateral partners are asked to work closely with OGP governments and civil society to co-create support strategies for participating countries on a demand-led basis.

For those multilateral partners seeking to develop a more intensive, cross cutting partnership with OGP on particular themes and/or regions based on stakeholder demand, they should inform the OGP Support Unit of this desire. OGP will then work with these multilateral partners to develop specific work plans to guide cooperation between them and OGP.

Guidelines for Multilateral Engagement with OGP

1. **Multilaterals should designate a single point of contact within the organization to speak and act on behalf of the organization regarding open government and/or global partnerships.** The lean structure of the OGP Support Unit and the desire of the Steering Committee to be transparent about all relationships with external actors necessitates that OGP organize its contacts with multilaterals through one lead contact in each multilateral organization/initiative. This lead contact would be responsible for liaising with the OGP Support Unit on all issues related to activities, programs and actions related to OGP.
2. **Multilaterals should coordinate their OGP-related efforts with the OGP Support Unit.** OGP-related projects, activities and programs carried out to help countries in each of the phases described above should be coordinated with the OGP Support Unit in order to avoid duplication of efforts by service providers and partners in any one country, and to provide visibility to the Steering Committee on the assistance being provided to countries by multilaterals. The OGP Support Unit should be the central information clearinghouse for all multilateral partners to share updates about their current and planned activities, and to obtain information on other multilateral and bilateral engagement on OGP in particular countries.
3. **OGP may invite partner multilateral organizations to participate in Steering Committee meetings for specific sessions as observers.** Although OGP's Articles of Governance do not allow for multi-lateral

organizations to sit on OGP's Steering Committee (SC)-which is made up of an equal number of government and civil society representatives—OGP may invite key multilateral partners to Steering Committee meetings for specific sessions where it can enhance their strategic engagement with the initiative on an ongoing basis. OGP will also undertake to ensure that multilateral partners remain regularly updated regarding SC meeting discussions and decisions.

4. **The OGP moniker should be used by multilaterals to describe activities that they pursue with countries that are specifically related to the 5 OGP life-cycle phases described above or partnerships directly brokered with OGP.** Multilateral organizations should only use the OGP moniker for activities related to eligibility and/or the development, implementation and assessment of OGP action plans. Additional efforts by multilaterals to support open government efforts in OGP countries are welcome, but should not be referred to as OGP-related unless they are explicitly linked to specific elements of a country's OGP process. Multilaterals should also use the OGP moniker for activities related to partnerships that have been explicitly brokered between OGP and that organization.
5. Furthermore, the OGP Steering Committee recognizes that multilaterals initiatives may utilize existing programs and funding windows to support OGP governments or civil society. With this in mind, **multilaterals are strongly encouraged to focus their support around initiatives that are being developed by countries through the action plan development process** in consultation with civil society (vs. existing initiatives not directly linked to OGP efforts).