Ministerial-Level Steering Committee Meeting

Welcome and Review of Agenda

Minister Kuntoro Mangkusubroto of Indonesia, as Lead Government Chair of the Open Government Partnership (OGP), welcomed participants to the meeting. He made some brief remarks on the High-Level Event at the United Nations earlier in the week, and then invited Linda Frey, the Support Unit (SU) Executive Director, to review the meeting agenda. The Steering Committee (SC) approved the proposed agenda.

After a round of introductions, Minister Kuntoro invited participants to share their thoughts on the High-Level Event. SC members shared a number of reflections, including:

• Widespread acknowledgement of the great success of the event on several levels: Strong Head of State and ministerial-level participation, excellent planning and logistics, and great use of the Open Government Awards to energize the event and showcase results on the ground.
• Thinking ahead to next year’s Open Government Awards, the SC should begin discussing possible themes. This year’s citizen engagement theme was quite good, as it surfaced concrete examples of how government and civil society are working together.
• It was great to see and feel the OGP brand at the event. Now we need to work hard to maintain the credibility of the brand by ensuring strong follow-through on the commitments being made. SC members have a special responsibility to lead by example in this regard.
• It’s important to now identify ways to channel the energy and high-level political commitment demonstrated at the event back to OGP countries to inspire real progress on implementation.

Brief Programmatic Updates

Minister Kuntoro invited the Support Unit and IRM to provide programmatic updates from the last SC meeting in May. The updates included the following:

The Support Unit:
• Provided feedback to OGP countries on their draft action plans (more on this below).
• Administered the 2014 Steering Committee elections for government members.
• Finalized the Four-Year OGP Strategy and continued fundraising for the strategy.
• Produced several key products featured at the High-Level Event including the Open Government Awards, OGP video and slide shows featuring Results to Date and new OGP commitments. Worked closely with Indonesia to coordinate the complex logistics for the event.

The Civil Society Engagement team:
• Coordinated the outreach to potential new SC members from civil society, resulting in close to 40 candidates and then coordinated the selection process for the five new members.
• Organized a three-day workshop in The Hague earlier this month with civil society leaders from OGP past, present and future co-chair countries, as well as new SC member countries.
• Received a grant from Canadian IDRC for learning and research. The first product that will be launched at the Americas Regional Meeting is a user-friendly tool to access and understand the IRM data.

The Independent Reporting Mechanism:
• Hired researchers in 63 OGP countries and trained 58 of those researchers on the IRM research method and procedures.
• Launched a pilot (in 5 countries) of end-of-term reports that will document commitment completion for the full, 2-year action plan cycle.
• Worked with the IEP to finalize the IRM Procedures Manual and the IRM Charter, which is the subject of a later session.
• Published the first IRM Technical Paper, synthesizing the findings of the first 43 IRM reports.

Supporting OGP Countries

Joe Powell, the SU Deputy Director, opened this session with a brief presentation focused on the 46 countries that were due to submit new National Action Plans by July 1st 2014. This built on a previous presentation at the May SC meeting in Bali, and included a summary of the support provided by the SU in the action plan development processes. He highlighted technical support provided by the OGP working groups and multilateral partners, and examples of interesting peer exchange activities between OGP countries. He also solicited SC support in reengaging those countries that have not yet started drafting their action plans, and offered some suggestions on the role the SC can play to support OGP countries to draft and implement strong OGP commitments.

The chair of the session invited SC members to share their views. Several members noted that it is the SC’s responsibility to play an active role in supporting OGP countries and volunteered to increase their work on peer exchange. Others suggested making a stronger link to other areas of international cooperation their governments or organizations are involved in. In the course of the discussion, countries also highlighted examples of peer exchange between OGP countries, including the following:
• Access to Information exchange between Georgia and Mexico.
• A bilateral exchange on developing a strong OGP action plan between the United States and Sierra Leone.
• A suggestion to use the ASEAN forum to promote OGP in that region.

SC members discussed how to maintain high-level engagement during political transitions and highlighted the cases of Mexico, Costa Rica and Chile, where changes of government have recently taken place. Several members suggested that perhaps more could be done to increase the support provided by OGP’s multilateral partners and thematic working groups. One member suggested the possibility of organizing a meeting of OGP working groups and multilateral partners, with the aim of identifying where there is unmet demand for additional technical support from participating countries for the implementation of their OGP commitments.
OGP Governance

OGP’s Incorporation and Corporate Structure

Rakesh Rajani, as chair of the session, invited the SU Executive Director to update the SC on steps taken to follow up on the following resolution agreed in May 2014:

May 2014 Resolution
The Steering Committee resolves that OGP will begin the process of incorporating as an independent organization in the United States and authorizes the Support Unit to work with the Governance and Leadership subcommittee to take the necessary steps to file the application on behalf of OGP. The Steering Committee recognizes that this process will begin in the second half of 2014, but that the transition will not be complete for 18 months to two years. In addition, the Support Unit will continue to explore other options as needed to facilitate financial contributions to OGP.

The chair reminded the SC that the rationale for incorporating OGP as an independent organization was based on the following: 1) Consensus of SC governments that it would be easier to process their annual financial contributions if these went directly to OGP, versus to an intermediary organization (the Tides Center); 2) Recognition by the SC that with the expansion of OGP’s membership, budget and staff, a fiscal sponsorship arrangement was no longer the most cost effective way to manage OGP’s operations.

Linda Frey summarized the steps taken since May and proposed timeline to carry out OGP’s agreed incorporation as a non-profit organization and subsequent spin-off from the Tides Center (see background paper on OGP Organizational Status and Governance). On behalf of the Governance and Leadership subcommittee (GL), Suneeta Kaimal then proposed the following basic principles to guide OGP’s legal counsel in preparing corporate documents for OGP:

- The existing OGP Steering Committee will continue to provide overall strategic guidance for the initiative and set all policies related to the entry, exit and obligations of participating countries. The new Board of Directors will provide legal, fiduciary, and human resources oversight for the organization that includes the Support Unit and IRM.
- The corporate structure should reflect, as closely as possible, current roles and responsibilities outlined in OGP’s Articles of Governance, recognizing, however, that the new Board of Directors would henceforth be subject to the jurisdiction of the District of Colombia non-profit corporate code.

SC members agreed that the issues under consideration are quite important to the future of OGP, but noted that some elements are complex and require careful consideration. In particular, several government members noted that they would need to consult internally regarding their ability to serve on a Board of Directors for a U.S.-based nonprofit corporation. Members also noted the need to define very clearly the respective mandates of the OGP Steering Committee and the future governing Board of Directors, as well as the relationship between these two entities and GL.

One member suggested that the SC should think of this as incorporating the Support Unit (the operational organization), rather than incorporating the entire Partnership. It was noted that in the current arrangement the Tides Center Board of Directors is the legal entity for fiduciary oversight of the organization that comprises the Support Unit and IRM. However, one member suggested that the Board
of Directors for an independent organization may have additional obligations and responsibilities, which is why it is important to give both its mandate and membership careful consideration.

After discussion, the SC did not come to a unanimous consensus on the two principles summarized above. Members agreed that GL should work closely with the SU and Harmon Curran over the next several months to carefully review the different possible options for OGP’s corporate structure -- including considering effective models used by other multi-stakeholder organizations -- and develop a more detailed set of recommendations for consideration by the SC. The Support Unit and GL committed to share this detailed proposal with SC members by December 2014, leaving ample time for internal consultation by all members prior to the March 2015 SC meeting.

**OGP Ambassadors**

Rakesh Rajani, as chair, invited the United Kingdom and Warren Krafchik to update the SC on their work to follow up on the following resolution agreed in May 2014:

*May 2014 Resolution:*
*The Steering Committee hereby delegates the immediate past co-chairs – the Government of the United Kingdom and Warren Krafchik – to develop a proposal that would expand the mandate of the Senior Advisors to support OGP overall, including, but not limited to, defending and promoting the principles and integrity of OGP’s Independent Reporting Mechanism. The proposal should clarify the terms of reference for the revised role of Senior Advisors to avoid any confusion or duplication with the role of OGP Steering Committee members.*

The presenters summarized their recommendations regarding an expanded mandate for OGP Senior Advisors (as presented in the background paper on *OGP Organizational Status and Governance*), which include three key roles for the future “OGP Ambassadors“:

- Raising the profile of OGP and open government more broadly
- Protecting the credibility of OGP, including the IRM
- Promoting the sustainability of OGP

After a brief discussion, the SC adopted the following *resolution*, as proposed:

*September 2014 Resolution*
*The Steering Committee endorses the high-level principles for the future role of Senior Advisers – henceforth to be called OGP Ambassadors – their proposed roles, and candidate specification, as presented by past co-chairs Warren Krafchik and the Government of the United Kingdom. The Steering Committee mandates the Governance and Leadership subcommittee to continue to work with Warren Krafchik and the Government of the United Kingdom to develop and then implement these proposals. After consultation with the wider OGP community on potential candidates, final appointments will be subject to endorsement by the Steering Committee.*

**Looking Ahead to 2015**

The Government of Mexico and Suneeta Kaimal, as incoming co-chairs of OGP, both presented their vision statements for their terms as co-chairs. The statements have been posted to the OGP website as background documents for the meeting.
The SC then reviewed the draft calendar for OGP Steering Committee meetings and events in 2015. The SU agreed to circulate the draft 2015 calendar along with the draft minutes from the meeting, and SC members agreed to raise any potential conflicts with the SU within two weeks of receiving it. Following this, the SC discussed potential meetings, noting that the venue for the Africa Regional Meeting in early 2015 remains unconfirmed.

As the Ministerial portion of the SC meeting came to a close, Rakesh Rajani offered his thanks to Minister Kuntoro for his service as co-Chair of OGP. Minister Kuntoro thanked the co-chairs and the entire SC for their tremendous support during Indonesia’s chairmanship and welcomed the new co-Chairs of OGP.

**Working-Level Steering Committee Meeting**

**Peer Learning and Support Subcommittee**

**Update on PLS Subcommittee Meeting**

Tara Hidayat (UKP4, Indonesia) introduced the session and invited Martin Tisné, as chair of the Peer Learning and Support Subcommittee (PLS), to summarize the key take-aways from the PLS subcommittee meeting earlier in the week (see PLS subcommittee meeting minutes for more detail). He focused on the constructive session with the co-anchors of all five OGP working groups, where the following issues were discussed:

- The working group pilot has been successful. Many of the working groups have made significant contributions with little or no financial support from OGP.
- The working groups are looking for more guidance from the SU on their mandate, governance and resources, as well as ways of interfacing with OGP participating governments and processes.
- OGP should end the ‘pilot phase’ of the working groups and issue guidelines to address the relation between OGP and the groups.

In the discussion that followed, SC members shared the following views:

- Several SC participants noted their very positive impressions of the contributions the working groups have made to date, and the need to address their concerns in order to facilitate and amplify their continued efforts.
- The working groups need an appropriate level of structure and guidance, but we should be careful not to ‘over-bureaucratize’ them in ways that would limit their flexibility to innovate, experiment, and adapt.
- The key question to address is how OGP can take advantage of the energy and dynamism of the working groups and ensure they have a clear mandate for scaling up their activities.
- One member noted that a decision should be taken soon on the status of the Private Sector Council, which is eager to have a more formal relationship with OGP (see PLS subcommittee meeting minutes for more detail).

**Requirements for OGP Events**

The UK representative presented the memo on requirements for hosting OGP events, noting that the document was drafted based on experiences of both subcommittee members and the Support Unit in
organizing previous OGP events. The UK encouraged other SC members to share any comments on the
document based on their own experiences. One member noted that OGP events should feature high-
level participation from the host country, and noted that this should be a key consideration in
identifying appropriate hosts for OGP events. SC members expressed broad support for the
requirements, which are now being shared with the hosts of all OGP events.

**Americas Regional Meeting**

Mexico provided an update on the planning process for the Americas Regional Meeting, scheduled for
November 17-19 in Costa Rica, and invited all SC members to participate. An open call for proposals has
now closed, with 72 proposals received, and 180 individuals have already registered to attend through
an open registration process. Mexico also noted that the President of Costa Rica is scheduled to attend
the meeting, reinforcing the high-level political support that OGP events can help promote.

**Criteria and Standards Subcommittee**

Rakesh Rajani, as chair of the session, invited Brazil, as chair of the Criteria and Standards Subcommittee
(CS) to introduce the resolutions under consideration. Brazil opened the session by asking the IRM
Program Director, Joseph Foti, to present the IRM Charter as the first document under consideration.

**IRM Charter**

Joseph Foti described the extensive process of developing the IRM Charter and explained that the aim
was to consolidate in one place a comprehensive summary of the IRM’s objectives, governance and
method (which were previously covered in other Steering Committee-approved documents.) He noted
that, following the consolidation of other documents, it was also important to clarify in the Charter a
few issues related to the membership and role of the IEP in terms of the IRM’s governance. These
included better defining the governance of the IEP (in terms of replacement, renewal, and resignation of
IEP members), shifting the terms of IRM review to happen no more than once every two years, and
expanding of the IEP from 5 members to 10 to ensure better quality control.

The Steering Committee discussed the Charter, and one SC member proposed adding an Annex to IRM
reports consisting of a maximum of two pages of unaltered comments from the government being
reviewed. The SC agreed that while this recommendation should be considered by the CS subcommittee
and the IEP, it would not affect the approval of the IRM Charter at this stage.

The SC then adopted the following **resolution**: 

*The Steering Committee resolves that the proposed IRM Charter be formally attached as an
addendum to the OGP Articles of Governance, superseding prior documentation on the IRM.*

**Asset Disclosure Metric**

Brazil introduced the proposed change to the Asset Disclosure metric of the OGP Eligibility Criteria as
well as all the work that went into crafting a new balance in the scoring system for the criteria. Brazil
invited the SU to explain the proposed change in greater detail. The SU noted that the World Bank,
which maintains the database on Asset Disclosure laws, no longer distinguishes between laws that apply
to public officials and laws that apply to elected officials (as is stated in the current methodology of the OGP Eligibility Criteria). As a result, it is no longer possible for the SU to evaluate asset disclosure using the current guidelines.

The SC discussed the CS proposal for a new approach to scoring the Asset Disclosure metric. There was consensus that, under the circumstances, the proposed change made sense. Several SC members noted that the SU should carefully communicate this change to OGP points of contact, particularly those in countries whose score would be affected. It was also agreed that there will be no consequence for countries whose score on the Asset Disclosure metric will decline as a result of this change. For example, a country whose score declines as a result of this change would still be eligible to run for the Steering Committee, and its IRM progress report will note that the decreased score was a result of a change in OGP’s scoring system, not a change in policy or practice within the country.

The SC adopted the following resolution, which incorporates language to acknowledge the reason for introducing this change:

**The Steering Committee resolves to adjust the Asset Disclosure metric of the OGP Eligibility Criteria to reflect the revised methodology of the World Bank in evaluating Asset Disclosure laws. The revised OGP Eligibility metric will award two points to countries with an Asset Disclosure Law, and two additional points to countries with an Asset Disclosure Law requiring any degree of public access. The source for this information will continue to be the World Bank’s Public Officials Financial Disclosure database.**

**Proposed Response Policy**

Finally, the SC discussed the proposed response policy on upholding the values and principles of OGP, as stated in the Open Government Declaration. Brazil noted that this policy had been agreed in principle at the Ministerial OGP SC Meeting in Bali, but that CS had been asked to consult further with SC members and conduct a legal review. The subcommittee chair then asked SU Deputy Director Joe Powell to provide a summary of the revisions made to the proposal in the intervening months. He highlighted the following: the introduction of a review of the policy after the first year of implementation (pilot phase); a clearer statement of the objectives of the policy; clarification on who could table a concern; and a small change to the types of concern that will be considered. There was a brief discussion on the policy, including the importance of complying with OGP’s disclosure policy, before the resolution was tabled.

The SC adopted the following resolution, as proposed:

**At the Bali Steering Committee it was agreed that OGP should adopt a response policy to uphold the values and principles of OGP, as articulated in the Open Government Declaration and OGP Articles of Governance. The development of the policy was assigned to the Criteria and Standards subcommittee. The Steering Committee hereby resolves to adopt the policy proposed. The effectiveness of the policy will be reviewed after one year.**

**Governance and Leadership Subcommittee**

**Update on Budget and Fundraising**
Linda Frey provided an update on the OGP budget for 2014 and fundraising for the four-year strategy. She noted that spending to date was on track for 2014. In terms of revenue, 87% of anticipated revenue has been received, with eight of nine SC governments having made their annual financial contributions for 2014. In addition, the 2013 full audit and 2012 Certification of Revenue and Expenditures were both completed in July and posted to the OGP website. Audits are regularly scheduled moving forward.

In terms of fundraising, there was an OGP Donor Meeting the morning before the SC meeting that was well attended, particularly by OGP’s private foundation donors. Discussions are ongoing with several potential donors, and the SU currently estimates pledges of close to $US 15 million towards the $US 22 million fundraising target for the period 2015-2018. This includes a new $US 3.4 million commitment from Hivos and an estimate of $US 1.2 million/year in annual financial contributions from OGP participating governments. One SC member suggested that OGP participating countries may need additional information about their financial contributions to OGP (beginning in 2015). In response, the SU offered to recirculate the explanatory memo that was sent to all participating governments earlier this year.

**Non-Universally Recognized Applicants**

Following the discussion of this issue at the May 2014 SC meeting, the United States provided an update on their efforts to develop a proposed action on non-universally recognized applicants. The U.S. noted that while a number of SC governments have endorsed the proposed language, not all government members had provided a response. Given this situation and the urgency of resolving this issue, all government members agreed to review the latest proposal with their foreign ministry counterparts and revert to the U.S. with any necessary modifications within one month (by 25 October 2014). The U.S. and Mexico agreed to use their leadership to achieve consensus as quickly as possible and then circulate a final proposal for approval by circular.

**2014 Steering Committee Election Process**

Joe Powell then presented a brief summary of the SC election process noting that the background paper for this session only reviewed the government elections, not the civil society rotation. He reported that this first election went very smoothly, voter turnout was excellent, and we ended up with three strong new government members of the SC. The background paper flags the four issues below for future consideration by the SC:

- There was some confusion over the designations of certain countries to particular regions.
- The staggered term limits have left certain regions with all or nearly all of their seats up for reelection at the same time.
- Reports from smaller OGP countries suggested that they found it difficult to compete in the election with countries that have much larger populations and diplomatic reach.
- There is an outstanding question on term limits. The Articles of Governance note that countries can serve a maximum of two consecutive terms on the OGP Steering Committee, but the Articles do not address how to handle this issue for countries that are awarded a second, abbreviated term. This question needs to be resolved before next year’s election.

In discussion, members noted that this election had eight available seats for government members, so was less competitive than future elections, which will only have a maximum of four seats available. They also highlighted the need to ensure fairness for regions with fewer members in OGP, particularly Africa and Asia.
Paul Maassen then provided a brief update on the process for civil society rotation, which included a selection committee that reviewed all 37 candidates, identified a shortlist of candidates for interviews, and then selected five new members. One member requested the opportunity for further reflection on the selection process for civil society SC members in the future.

Conclusions

Linda Frey offered a brief summary of takeaways from the meeting, which are listed below:

- GL will work with the SU and OGP’s legal counsel to consider the options for OGP’s corporate structure and develop a detailed recommendation for consideration by the full SC.
- The UK and Warren Krafchik will work with GL to develop a detailed terms of reference for the future OGP Ambassadors (formerly Senior Advisors), based on the principles agreed at this meeting. They will solicit SC input on nominees for the position in the coming months.
- The draft calendar and vision statements for 2015 will be circulated by email after the meeting. SC members will flag any calendar conflicts to the Support Unit within two weeks of receiving the document.
- PLS will work with the SU to develop clearer guidance on the status of OGP’s thematic working groups, as well as strategies to scale up working group activities in the coming year.
- All SC members are encouraged to attend the Americas Regional Meeting in November and to send any additional comments on the guidelines for OGP events to the PLS subcommittee.
- All three resolutions from Criteria and Standards were adopted and will now be implemented by the IRM and SU, with appropriate oversight from CS.
- On the proposed action to respond to non-universally recognized applicants, the U.S. and Mexico will lead a process to reach agreement with all government members in the next month.

In closing the meeting, the Chair thanked the Support Unit team for their hard work in organizing a very successful set of meetings in New York and thanked the outgoing SC members for their leadership and service to advance OGP.
Participant List
OGP Steering Committee Meeting
September 25, 2014
Draft as of September 22, 2014

Location:
Diplomat Ballroom
ONE UN Hotel
1 United Nations Plaza, New York, NY 10017

Open Government Partnership Steering Committee

Governments

Brazil
Minister Jorge Hage Office of the Comptroller General of Brazil
Secretary Larissa Schneider Calza Brazilian Delegation to the United Nations
Claudia Taya Office of the Comptroller General of Brazil
Roberta Solis Ribeiro Office of the Comptroller General of Brazil

Indonesia
Minister Kuntoro Mangkusubroto President’s Delivery Unit (UKP4)
Tara Hidayat President’s Delivery Unit (UKP4)
Deny Abdi Ministry of Foreign Affairs
Yanuar Nugroho President’s Delivery Unit (UKP4)
Fithya Findie President’s Delivery Unit (UKP4)

Mexico
Hon. Alejandra Lagunes Coordinator of the National Digital Strategy
Roberto de León Ministry of Foreign Affairs
Guillermo Ruiz de Teresa Mariscal Coordinator of the National Digital Strategy

Norway
State Secretary Paul Chaffey Ministry of Local Government and Modernisation
Terje Dyrstad Ministry of Local Government and Modernisation
Asbjørn Seim Ministry of Local Government and Modernisation
Geir Moe Sørensen Ministry of Foreign Affairs

Philippines
Secretary Corazon Juliano-Soliman Department of Social Welfare and Development
Richard Moya Department of Budget and Management
Maxine Tanya Hamada Department of Budget and Management
Patricia M. Sarenas Caucus of Development NGO Networks
Patrick Lim Department of Budget and Management

South Africa
Deputy Minister Ayanda Dlodlo Department of Public Service and Administration
Alex Lesiba Mahapa  Department of Public Service and Administration
Zamokwakhe Somhlaba  Department of Public Service and Administration
Sumisile Mpande  Department of Public Service and Administration

Tanzania
Minister Mathias Chikawe  Ministry of Home Affairs
Obey Assery  Prime Minister’s Office
Susan Mlawi  Government State House
Nelson James Kaminyoge  Ministry of Home Affairs

United Kingdom
Minister Frances Maude  Cabinet Office
Oliver Buckley  Cabinet Office
Henry Newman  Cabinet Office
Kitty von Bertele  Cabinet Office
Joe Taylor  Cabinet Office

United States
Under Secretary Sarah Sewall  Department of State
Lawrence Sperling  Department of State
Corinne Graff  National Security Council
Corinna Zarek  White House, Office of Science Technology Policy
Stephen Moody  Department of State

Civil Society
Maryati Abdullah  Publish What You Pay (Indonesia)
Veronica Cretu  Open Government Institute
Alejandro Gonzalez  GESOC
Suneeta Kaimal  Natural Resource Governance Institute
Warren Krafchik  International Budget Partnership
Iara Pietricovsky  INESC
Rakesh Rajani  Twaweza
Aruna Roy  MKSS
Nikhil Dey  MKSS
Martin Tisne  Transparency & Accountability Initiative (Omidyar Network)
Julie McCarthy  Transparency & Accountability Initiative (Open Society Found.)
Mark de la Iglesia  Transparency & Accountability Initiative (Open Society Found.)
Observing

As per the Articles of Governance, observers are invited to join the discussion and sit together with participants, but will not be permitted to vote.

Governments

Croatia
Assistant Minister Vesna Batistić Kos
Damir Župan
Dinka Dumičić
Sanja Borić
Maja Šimunić

Ministry of Foreign Affairs
Ministry of Foreign Affairs
Ministry of Foreign Affairs
Ministry of Foreign Affairs
Ministry of Foreign Affairs

France
Secretary Thierry Mandon
Boris Jamet-Fournier
Henri Verdier
Laure Lucchesi

Office of the Prime Minister
Office of the Prime Minister
Etalab
Etalab

Georgia
Minister Tea Tsulukiani
Aleksandre Baramidze
Rusudan Mikhelidze

Ministry of Justice
Ministry of Justice
Ministry of Justice

Civil Society

Sugeng Bahagijo
Manish Bapna
Cecilia Blondet
Mukelani Dimba
Alvin Mosioma

International NGO Forum on Indonesian Development (INFID)
World Resources Institute (WRI)
Proética
Open Democracy Advice Centre (ODAC)
Tax Justice Network - Africa

OGP Staff

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Paul Maassen

Support Unit
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Independent Reporting Mechanism
Independent Civil Society Coordinator