

Open Government Partnership Criteria and Standards Subcommittee Call

Tuesday 16 July 2019

Attendees

- Government of Italy - Stefano Pizzicannella
- Government of Croatia - Darija Marić
- Aidan Eyakuze, Twaweza
- Maria Baron, Directorio Legislativo
- Suneeta Kaimal, Natural Resources Governance Institute
- OGP Support Unit

Apologies

- Government of Nigeria
- Government of South Africa
- Lucy McTernan, University of York

Call Summary

1. OGP Eligibility Scores Update

The OGP Support Unit presented the main findings of the 2019 eligibility scores update for C&S review and endorsement (summarized in the attached memo). The key findings of the update are:

- a. Papua New Guinea has fallen below the minimum requirements required to pass the Core Eligibility criteria due to failure to publish an Audit Report. A letter has been sent to the PNG government informing this occurrence. As per the Articles of Governance, Papua New Guinea must raise above the minimum eligibility score within one year (by July 30 2020) to avoid being placed under Procedural Review by the C&S. In parallel, the SU will reach out to partners at IBP to consult if their scores could raise with updated data before this deadline.
- b. Angola and Benin are the two newly eligible countries to join OGP as they pass both the Core Eligibility criteria and Values Check assessment. The list of all countries that are currently eligible to join is: Angola, Austria, Belgium, Benin, Bhutan, Guyana, Iceland, Japan, Mozambique, Nepal, Poland, Slovenia, Switzerland, Timor-Leste.

The main input and comments from C&S are summarized below:

- a. For future eligibility score updates, C&S requested to have more detailed information regarding the score changes for the countries that are newly eligible.
- b. C&S raised the point that some of the data sources used to score the eligibility criteria metrics may potentially be outdated (i.e. Asset Disclosure, ATI Laws) and

suggested that the Support Unit explore alternative and more up to date sources of data.

- c. In regard to the Access to Information metric, some members suggested that the quality of a law should be incorporated into the scoring methodology of future reviews so that governments are incentivized to continue improving their access to information regulations.
- d. Likewise, others suggested that draft laws should not be considered “drafts” for an indefinite period of time, and that a “shelf life” for draft laws should be considered for eligibility purposes.

Decision Item(s):

- Where there were case-specific questions regarding the quality of the data assessed, or public availability of such (Belarus, Guinea, Namibia), C&S reinforced that in adhering to the established rules, OGP should continue to consider the most up to date information that is available at the time of completing the update.
- The Support Unit will conduct preliminary research and will provide C&S with a few proposals of alternative data sources in future calls. In this regard, the Articles of Governance (pg. 19) state: “The C&S is to periodically assess if the metrics used for the Eligibility Criteria need to be updated, changed, or complemented by other indicators. The SC and the IRM are to also work to identify and/or develop better metrics for the Eligibility Criteria as necessary.”
- ***C&S reviewed and endorsed the updated version of the OGP eligibility scores. As next steps:***
 - a. *The updated scores will be shared with the full Steering Committee, along with the summary memo outlining the main findings of the update.*
 - b. *In parallel, the Support Unit will reach out to legal experts where possible and if needed, adjust the ATI scores if the evidence permits it for cases where the databases utilized were not updated at the time of the review.*
 - c. *The Support Unit will update the [Eligibility Criteria webpage](#) of the OGP website to reflect the updated scores.*



Memo on OGP Eligibility Scores Update

To: OGP Steering Committee

From: Co-Chairs of the Criteria and Standards Subcommittee

Re: 2018 OGP Eligibility Scores Update

Date: 18 July 2019

This memo is to inform you of the updated OGP eligibility scores reflecting countries' performance in 2018 on the four Core Eligibility metrics and the OGP "Values Check", as outlined below. The Criteria and Standards Subcommittee (C&S) is responsible for overseeing the update process of eligibility scores on a yearly basis, using the most up-to-date data available at the time of the update. Current and historical eligibility data can be found in the [OGP Eligibility Database](#) which is now publicly available on the [OGP Eligibility website](#).

I. Overview of OGP Eligibility

To participate in OGP, governments are to exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions. The process to assess OGP eligibility is twofold: countries must earn a minimum score on four "Core Eligibility" criteria and pass the OGP Values Check as outlined below.

A. Core Eligibility:

The Core Eligibility to join OGP is determined by evaluating countries' performance in four critical areas of open government, namely: Fiscal Transparency, Access to Information, Asset Disclosure, and Civil Liberties. Countries can earn up to 4 points for their performance in each of these metrics, for a total of 16 points. As some of the indices OGP uses do not cover all countries, some countries are only assessed on three criteria (and can earn up to 12 points). Countries that earn 75% of the applicable points (either 12 out of 16, or 9 out of 12) pass the minimum Core Eligibility threshold.

B. Values Check Assessment:

The implementation of the Values Check assessment was [approved by the Steering Committee](#) in 2017 as an effort to ensure that new countries joining OGP adhere to the democratic governance norms and values set forth in the Open Government Declaration. *The Values Check assessment only applies to countries that are yet to join OGP and does not affect countries that are already OGP members.*

The source for the Values Check is the [Varieties of Democracy \(V-Dem\) 'Dataset on Democracy'](#), from which OGP employs two indicators that measure the extent to which a government achieves control over entry and exit by civil society organizations into public life ("CSO Entry and Exit"), and the extent to which the government attempts to repress civil society organizations ("CSO Repression"). OGP utilizes the ordinal scores for each of these two indicators in the V-Dem dataset. To pass the Values Check, countries must score three or higher on at least one of the indicators.

In the exceptional case when a country passes the core eligibility criteria to join OGP, but

Values Check indicators are not collected by V-Dem for such country, the C&S Subcommittee will perform an assessment of that country's Values Check based on the ratings provided in the CIVICUS Monitor. To pass the Values Check when using the CIVICUS Monitor data, a country must be rated "Narrowed" or better at the time in which it submits its letter of intent to join OGP.

II. Main findings of the 2018 eligibility scores review

An analysis of the updated eligibility scores can be found below. The database reflecting all of the scores, and historical data, can be found [here](#).

A. Current OGP participating countries that are below minimum core eligibility score¹

Country	Core Score (2017)	Core Score (2018)
Papua New Guinea ²	11 out of 16 (69%)	11 out of 16 (69%)

B. Non-participating countries that pass core eligibility score and pass values check (countries eligible to join OGP)

Country	Core Score (2018)	Values Check (2018)
Angola (newly eligible) ³	12 out of 16 (75%)	Pass
Austria	12 out of 12 (100%)	Pass
Belgium	12 out of 12 (100%)	Pass
Benin (newly eligible) ⁴	13 out of 16 (81%)	Pass
Bhutan	9 out of 12 (75%)	Pass
Guyana	9 out of 12 (75%)	Pass
Iceland	12 out of 12 (100%)	Pass
Japan	16 out of 16 (100%)	Pass
Mozambique	12 out of 16 (75%)	Pass

¹ [OGP Articles of Governance](#) note that "If a Participating Country's Core Eligibility score falls below the minimum performance criteria, as reported to the Criteria and Standards Subcommittee (C&S) by the SU, it should take immediate and explicit steps to address the situation so that it meets the criteria within one year of that determination. If a country fails to meet the Core Eligibility Criteria within that one-year period, C&S will place the country under Procedural Review pursuant to Article II.B.3."

² Papua New Guinea's Fiscal Transparency score dropped by 2 points in 2017 due to not having published an Audit Report. Since OBI's scores have not been updated in 2018, country's score remains the same. Other possible areas of improvement are Access to Information and Asset Disclosure.

³ Unlike 2017, Angola passed values check in 2018.

⁴ Benin's Access to Information score increased by 4 points.



Nepal	13 out of 16 (81%)	Pass
Poland	16 out of 16 (100%)	Pass
Slovenia	16 out of 16 (100%)	Pass
Switzerland	12 out of 12 (100%)	Pass
Timor-Leste	14 out of 16 (88%)	Pass

C. Non-participating countries that pass core eligibility score but fail values check (NOT eligible to join OGP)

Country	Core Score (2018)	Values Check (2018)
Ethiopia	10 out of 12 (83%)	Fail
Hungary ⁵	15 out of 16 (94%)	Fail
India	13 out of 16 (81%)	Fail
Kazakhstan	12 out of 16 (75%)	Fail
Nicaragua	14 out of 16 (88%)	Fail
Russia	14 out of 16 (88%)	Fail
Thailand	15 out of 16 (94%)	Fail
Uganda	15 out of 16 (94%)	Fail

D. Non-participating countries near eligibility score that pass values check (NOT eligible to join OGP)

The countries listed below earned more than 60% of the applicable points and passed the Values Check. Since these countries are near the Core Eligibility threshold of 75%, improving their performance in at least one of the minimum key dimensions of open government could grant them eligibility. The status and main areas of improvement of these countries are outlined in the chart below:

Country	Core Score (2018)	Values Check (2018)	Status and Areas of improvement
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⁵ Hungary withdrew from OGP on December 7, 2016. See [Press Release](#).



Bahamas	8 out of 12 (67%)	Pass (Using current Civicus Monitor data, V-Dem not available)	Bahamas is 1 point away from reaching the minimum Core Eligibility threshold. Possible areas of improvement: - Fiscal Transparency: No data* - Civil Liberties: No data**
Bangladesh	11 out of 16 (69%)	Pass	Bangladesh is 1 point away from reaching the minimum Core Eligibility threshold. Possible areas of improvement: - Fiscal Transparency: 2 out of 4 (No Audit Report) - Asset Disclosure: 2 out of 4 (Data not public by law) - Civil Liberties: 3 out of 4**
Belize	8 out of 12 (67%)	Pass (Using current Civicus Monitor data, V-Dem not available)	Belize is 1 point away from reaching the minimum Core Eligibility threshold. Possible areas of improvement: - Fiscal Transparency: No data* - Civil Liberties: No data**
Bolivia	11 out of 16 (69%)	Pass	Bolivia is 1 point away from reaching the minimum Core Eligibility threshold. Possible areas of improvement: - Fiscal Transparency: 0 out of 4 (No Audit Report; No Executive Budget Proposal) - Civil Liberties: 3 out of 4**
Cyprus	8 out of 12 (67%)	Pass	Cyprus is 1 point away from reaching the minimum Core Eligibility threshold. Possible areas of improvement: - Fiscal Transparency: No data* - Asset Disclosure: No data*
Guinea	8 out of 12 (67%)	Pass	Guinea is 1 point away from reaching the minimum Core Eligibility threshold. Possible areas of improvement: - Fiscal Transparency: No data* - Asset Disclosure: 2 out of 4 (Data not public by law) - Civil Liberties: 2 out of 4**
Malaysia	10 out of	Pass	Malaysia is 2 points away from reaching the



	16 (63%)		<p>minimum Core Eligibility threshold. Possible areas of improvement:</p> <ul style="list-style-type: none"> - Access to Information: 1 out of 4 (No ATI Law or constitutional right) - Asset Disclosure: 2 out of 4 (Data not public by law)
Namibia	11 out of 16 (69%)	Pass	<p>Namibia is 1 point away from reaching the minimum Core Eligibility threshold. Possible areas of improvement:</p> <ul style="list-style-type: none"> - Fiscal Transparency: 2 out of 4 (No Audit Report) - Access to Information: 1 out of 4 (No ATI Law or constitutional right)
Niger	10 out of 16 (63%)	Pass	<p>Niger is 2 points away from reaching the minimum Core Eligibility threshold. Possible areas of improvement:</p> <ul style="list-style-type: none"> - Fiscal Transparency: 0 out of 4 (No Audit Report; No Executive Budget Proposal) - Civil Liberties: 2 out of 4**
Zambia	10 out of 16 (63%)	Pass	<p>Zambia is 2 points away from reaching the minimum Core Eligibility threshold. Possible areas of improvement:</p> <ul style="list-style-type: none"> - Fiscal Transparency: 2 out of 4 (No Executive Budget Proposal) - Access to Information: 1 out of 4 (No ATI Law or constitutional right) - Civil Liberties: 3 out of 4**

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

**Considering the robust and intricate methodologies utilized by the [Economist Intelligence Unit \(EIU\)](#) to compile the Democracy Index that determines the Citizen Engagement metric of the Core Eligibility Criteria, or the Values Check assessments based on the Varieties of Democracy and CIVICUS Monitor datasets, OGP is unable to request ad-hoc assessments based on recent developments for these metrics. Please contact the OGP Support Unit person below should you wish to be put in contact with one of our partners specializing in these areas who can further provide suggestions on improving these areas.

