

**Working level Steering Committee meeting**  
**22-23 July 2015**  
**Minutes**

**Wednesday 22 July**

Deputy Minister Ayanda Dlodlo welcomed participants to the meeting on behalf of the South African government. She reflected on OGP's achievements so far and looked forward to the next few months and to assuming the OGP lead chair in October. The other OGP co-chairs in attendance, the government of Mexico and Suneeta Kaimal, added their greetings.

**Support Unit update**

- **Monitoring and Evaluation framework**

The Support Unit Executive Director presented OGP's Monitoring and Evaluation framework. The purpose of this framework is to ensure Support Unit accountability to participating countries, the OGP Steering Committee and funders, and to evaluate whether the OGP platform is leading to meaningful open government reforms in OGP participating countries. With this information the Support Unit can adapt and improve the support it provides.

Indicators to measure success are matched against the strategic objectives in the OGP [four-year strategy](#), alongside other indicators that seek to measure ultimate outcomes. This work will feed into the mid-term review of the four-year strategy, due by the end of 2016. Further feedback or input from Steering Committee members was invited.

- **Progress since April meeting**

The Support Unit Executive Director provided an update on key accomplishments since the last Steering Committee meeting in April. These included: two OGP regional meetings - one for African OGP countries, hosted by the government of Tanzania in May, and one for European OGP points of contact, hosted by the government of Georgia in June; the launch of the [OGP Explorer](#); ten new action plans were submitted; Open Society Foundations approved a renewed grant to OGP; 30 applications were received for the [Open Government Awards](#); and the [66th country](#) signalled its intention to participate in OGP.

**Governance and Leadership**

- **Executive Director search**

On behalf of the Executive Director search committee, Nathaniel Heller updated the Steering Committee on the appointment of a search firm and development of the candidate profile. The job description was nearly finalised and due to be published and circulated to the SC shortly after the meeting. The Steering Committee was asked to provide the search firm with referrals of qualified individuals they thought worth approaching to consider this role.

- **OGP Ambassadors**

There was an update on invitations that have been sent by the Mexican government to high-profile figures, inviting them to be OGP Ambassadors. The Support Unit will continue to work with the Mexican government to approach the individuals agreed by the Steering Committee in April, with the aim of appointing new Ambassadors and securing their participation in the October Global Summit.

- **Organisational status**

The Steering Committee was invited to consider and agree the tabled resolution on the organisational status of the OGP Secretariat (comprising the Support Unit and Independent Reporting Mechanism).

At the last Steering Committee meeting the South African government was asked to do some additional research on options for the future of the OGP Secretariat's organisational status and for that to feed into a Governance and Leadership (GL) recommendation. The draft resolution proposed a hybrid model, with three possible vehicles for the Secretariat to raise funds and host staff (detail below).

The Steering Committee thanked the government of South Africa and the other GL members for their work to develop this proposal. Members noted that while none of these options was perfect in and of themselves, they were far preferable to the current status, particularly for enhancing accountability and oversight.

A number of questions emerged in the discussion, including: the benefits of each of the proposed vehicles and how they would enhance the Secretariat's operations and funding; how the incorporated entity and the Trust Fund would work together, and what oversight the Steering Committee would have; and how the process for seconding staff to the Support Unit could work. Questions about the mechanics and operation of a Trust Fund housed at the World Bank were deferred to the subsequent day, when colleagues from the World Bank would join the discussion.

Members of the GL subcommittee noted that the objective of the discussion was to agree that each of the three proposed vehicles were valid options for consideration, but stressed that they may happen on different timelines because of the varying degrees of preparatory work that has gone into each of them. GL also clarified the following points: an incorporated model should increase Steering Committee oversight, since the SC would appoint its Board; GL will work with the Support Unit to provide more information on what is meant by staff 'secondments' and how these might be set up; and GL should lead a small group of interested SC members to continue to work out the details of each of the three vehicles. Finally, GL noted that all participating countries should be fully informed of the rationale for the hybrid approach to organizational status, but that OGP's Articles of Governance clearly mandate the Steering Committee to take this type of governance decision.

The Steering Committee then unanimously approved the resolution, with the inclusion of three minor amendments, as reflected in the final text below:

*The Steering Committee supports the exploration of a 'hybrid' approach to address the legal status of the OGP Secretariat, which comprises the Support Unit and the IRM. This hybrid*

*approach would provide three initial vehicles for the Secretariat to raise funds and host staff: 1) An incorporated entity in the United States (a 501 c3); 2) An OGP Trust Fund to be housed at the World Bank; 3) Secondments of experts from OGP countries and civil society.*

*The Steering Committee authorizes the Support Unit to work with the Governance and Leadership subcommittee to take the necessary steps to implement this resolution, provided GL gives sufficient information and lead time for the Steering Committee to review draft corporate documents (vehicle 1) and a draft Trust Fund agreement (vehicle 2) before such documents are finalized.*

*The Steering Committee notes that any changes to the OGP Secretariat's structure will not undermine in any way the role and mandates of the Steering Committee and its subcommittees. Furthermore, the structure will strive to maintain the regional and gender balances and the partnership between governments and civil society that characterize the Open Government Partnership.*

*The Steering Committee further agrees that this resolution will be fully shared, including its background information and rationale, with all OGP participating governments. Any inputs they have will be carefully considered by the Governance and Leadership subcommittee and the Support Unit in implementing this resolution.*

*Finally, it should be noted that this hybrid approach does not preclude exploring other possible vehicles in the future, for example the possibility of incorporating the OGP Secretariat in a second or third jurisdiction at a later date.*

### **Peer Learning and Support (PLS)**

The chair of the PLS subcommittee updated the group on the subcommittee meeting held earlier that day. The subcommittee has now agreed on a set of revised guidelines for OGP working groups. PLS members discussed how peer learning networks facilitated by the working groups could best be used to support the delivery of strong OGP commitments.

PLS members recommended that OGP should not create new working groups at the moment, but should be ready to respond to demand around specific areas in the future. The subcommittee will arrange to meet working group co-anchors in the margins of the Mexico Summit and will also use this opportunity to meet the Private Sector Council and determine how best to support those efforts.

The Steering Committee also thanked the governments of Tanzania and Georgia for hosting recent regional OGP events in Africa and Europe and, reflected on what is being learnt from them. Regional events are an important way of building high-level political support and promoting a public accountability 'moment' where senior government officials have an open conversation with civil society leaders. They stimulate bilateral exchange, for example the French and Georgian governments signed a number of cooperation agreements on electronic documents, access to state services in rural areas, and transparency about court decisions. They also highlight the value of time spent with peers, both for government and civil society. This is integral to OGP and is why there will now be an OGP [government] 'points of contact' day, as well as a civil society day, in advance of the Mexico Summit.

## **Criteria and Standards (CS)**

The chair of the CS subcommittee updated the group on the subcommittee meeting held earlier that day. CS had discussed the pilot phase of the Response Policy and concluded that one year did not allow sufficient time to understand the full implications of the policy. They recommended that the pilot phase be extended for another year and that after that the policy should be reviewed every two years. The Steering Committee agreed and adopted the following resolution:

*The Steering Committee decides to adopt the recommendation by the CS subcommittee to extend the pilot phase for the implementation of the Response Policy, which was adopted in September 2014, by one extra year.*

*The CS subcommittee will present an interim report to the SC at its next meeting on the initial challenges and lessons learned after the first year of the pilot phase of the Policy.*

*The SC further decides that after the second year of the pilot phase, the Response Policy will have a regular biannual review by the Steering Committee to continuously reflect lessons learned and improvements to the process under the Policy.*

The subcommittee chair then updated the Steering Committee on the status of the cases of Azerbaijan and Hungary, which are currently being considered under the Response Policy, and asked the Steering Committee to provide further diplomatic support. CS also provided an update of two review processes they have been conducting due to inactivity. In the case of Malta an action plan has been submitted so the review is now closed. In the case of Turkey CS has advised to wait until a new government is formed following recent elections. They will continue to monitor the situation and update the Steering Committee at the next meeting in October.

CS is also monitoring several cases where countries have been late submitting action plans through two cycles. The case of Australia was highlighted as particularly concerning, and the Steering Committee agreed on next steps and a deadline for Australia to recommit to OGP by the time of the Global Summit.

It was agreed that the Steering Committee should increase outreach and support to countries that are struggling to meet OGP expectations and timelines.

## **Subnational Governments and OGP**

A group of Steering Committee members then introduced an 'issues and options' paper on subnational governments and OGP. This paper presents the preliminary thoughts of a small number of Steering Committee members and its purpose was to stimulate discussion about how to engage subnational governments in OGP, what a pilot phase for this effort might entail, and how to showcase subnational open government innovations at the upcoming Global Summit.

Steering Committee members expressed strong support for this effort, noting that some of the most practical and innovative applications of open government are seen at a local level. The Steering Committee felt that only subnational entities in OGP participating countries should be invited to

participate in the pilot phase. Members recognized that OGP could consider various ways of engaging subnational governments, and that we should use a pilot period to understand the pros and cons of different approaches. Steering Committee members felt there was advantage in making sure the initial stages of this work were flexible enough to learn from and adapt to what is working.

The Steering Committee also highlighted some potential risks. For example, there will be political sensitivity in cases where a subnational government is of a different political party to the national government; and the Steering Committee will need to assess the pilot phase carefully to understand the resource and staffing implications for the Support Unit. The priority should be making sure OGP is still able to focus on, and support, national level reform.

One member noted that OGP governments are already welcome and encouraged to include commitments from different levels or branches of government in their OGP action plans, provided they comply with OGP guidelines on public consultation. Others suggested that OGP should explore partnerships with existing associations of cities or mayors to broaden our network of potential subnational open government champions.

Steering Committee members agreed that the upcoming Global Summit provides an excellent venue to showcase open government innovations from cities around the world. The Mexican government updated the Steering Committee on initial plans for a plenary session featuring several high-profile mayors from OGP participating countries.

A number of Steering Committee members volunteered to participate in a temporary task force to update the issues and options paper, design the pilot phase, work on how to best use the Summit to advance this; and explore other opportunities or partnerships that could be useful. The Support Unit will staff the task force and provide an initial assessment of existing subnational commitments in OGP action plans. All agreed that the pilot should last for two years and incorporate both Phase I and 2 (outlined in the background document). The subnational task force will present a more detailed recommendation for the pilot phase for discussion by the Steering Committee at its next meeting in October.

## **Thursday 23 July**

### **Update on status of National Action Plans due in 2015**

The Support Unit presented an update on the current status of national action plans and highlighted some of the most interesting new OGP commitments. There have now been 107 plans since OGP was launched. 20 countries had action plans due by the end of June 2015, of which 10 had submitted by the time of the meeting. The Steering Committee reflected on the significance of this achievement for a voluntary partnership, which operates on incentive rather than penalty.

OGP is learning lessons about how to re-engage less active countries through a combination of political and points of contact outreach, technical assistance brokered by the Support Unit, and support from multilateral partners or working groups. Steering Committee members noted that it is important to accurately diagnose the reasons for delays or setbacks, as OGP's deadlines don't always

coincide with domestic political cycles. Where Steering Committee members need to engage in direct outreach, members asked for more specific requests to help them target their support.

Steering Committee members then reflected on specific cases where they had engaged in successful outreach efforts to support other OGP countries, including: Croatia's peer support to countries in the region, US outreach to African countries in advance of President Obama's visit to Ethiopia and Kenya, and Brazil's personal letter of encouragement to the OGP point of contact in an inactive country. Governments agreed on the need to coordinate diplomatic efforts for the greatest impact, as well as on the possibilities afforded by direct contacts among points of contacts, and the Support Unit asked for volunteers to lead on targeted outreach to several countries in particular.

### **Introduction to Multilateral Partnerships**

The Support Unit reviewed the background and rationale to having multilateral partnerships, which were first agreed in 2013 with the World Bank, OECD, IDB and UNDP. Steering Committee members who were involved in developing OGP's Multilateral Engagement Framework recalled the desire then to streamline and coordinate support to OGP countries, and to leverage additional resources for this goal. One member noted that a key contribution of these partnerships is often in bringing people together to learn from each other and share experiences.

### **The OGP-World Bank Partnership: Enhancing Support for Country-Level Implementation**

The World Bank presented the background to their collaboration with OGP, where they have seen particular value in support for civil society engagement, knowledge and learning - particularly around national action plans - and collaboration at regional and global levels. They explained where there was convergence between World Bank operations and OGP, how they are responding to demand for OGP support, and what the future for the partnership might hold. In particular the recent establishment of the Governance Global Practice means there are many more governance experts in World Bank country offices that can be engaged to support the implementation of OGP action plans.

In discussion, Steering Committee members noted that there was a need for better research on how open government reforms contribute to better development outcomes, since this would help build a broader base of support across the World Bank. Members noted that the Bank is a crucially important scaling mechanism for OGP and offered to help marshal support for OGP in two to three other strategically defined Bank practices. The Steering Committee championed the value of the World Bank offering targeted support to countries that were struggling, as well as helping shore up support for OGP in other politically relevant ministries in OGP countries. The Steering Committee also noted that it would be helpful to better understand and align OGP timelines with World Bank timelines, for example in developing World Bank Country Partnership Frameworks.

### **Update on OECD, IDB and UNDP Partnerships – what lessons are we learning?**

The Support Unit provided a brief overview of work with the OECD and IDB, who were not present. A number of reflections were similar to the previous discussion - for example, that there is great opportunity when OGP action plan cycles are aligned with multilaterals' timelines, and that technical support can be more valuable than directly granting money.

The UNDP's presentation highlighted ongoing efforts to gain a better understanding of OGP at a country level, and to link OGP processes to some 500 UNDP projects on democratic governance. The presenter also noted that the Mexico Summit will be a good opportunity to bring together the multilateral partners and involve them in a meeting with the thematic working groups.

In discussion, one member asked whether it was time to revisit the Multilateral Engagement Framework to ensure it reflects the role of promoting peer learning, as well as sufficient focus on supporting implementation of OGP commitments. OGP should also better use the multilateral partners to identify and engage with champions in governments, particularly where there has been a loss of political will. If significant effort is to be put into maximising the opportunity of the multilateral partnerships, members noted that the Support Unit might need additional staff capacity to play an effective 'brokering' role.

### **Creating an OGP Trust Fund at the World Bank**

The World Bank presented an overview of how Trust Funds work at the World Bank. This is one of the proposed vehicles to be explored in the 'hybrid' approach for the Secretariat's future organisational status.

The subsequent discussion helped clarify that a Trust Fund for OGP at the World Bank could help OGP raise funds in two important ways: first, by providing an alternative funding vehicle for OGP governments that have struggled to channel their contributions to a U.S.-based non-profit organization; and second, an opportunity to scale up OGP activities by leveraging significant new contributions from bilateral aid donors. As such, members noted that an eventual Trust Fund should be viewed as a mechanism for providing support to OGP, rather than a stand-alone World Bank initiative.

Several members recommended that the Support Unit budget should remain intact at the level agreed for the four-year strategy (\$24 million/4 years), including annual government contributions, bilateral aid grants and philanthropic grants. In this model, funds channelled to the Trust Fund would be additive, and would support activities *not* currently covered by the Support Unit budget, e.g. implementation of OGP commitments, long-term impact research, and more intensive peer exchange. This 'bright line' approach would ensure that the core operations of the Support Unit are funded with or without the Trust Fund. Other members advocated a 'blurry line' approach whereby donors could choose which vehicle they would contribute to -- the incorporated entity or the Trust Fund -- and the Trust Fund would then sub grant some portion of funds back to the OGP Secretariat to support its core operations.

Among the risks and concerns that Steering Committee members highlighted were the need to maintain adequate Steering Committee oversight of OGP funding, as well as the risk of inadvertently weakening the Support Unit if the Trust Fund became the primary vehicle for funding. Members agreed it would be important to avoid a situation where donors could earmark OGP funding for specific projects. The World Bank responded that most Trust Funds do not allow this, but that ultimately the allocation of funds is determined by collective agreement of the trustees. The Steering Committee also

asked for more information on the effectiveness of Trust Funds (for example the recently reviewed Trust Fund for EITI), as well as their associated administrative costs.

There were additional questions about whether there should be a minimum donation threshold for a donor to become a trustee of the Fund. Others wanted to further understand how the role of the Steering Committee, in continuing to provide strategic direction to OGP, would intersect with that of trustees.

The World Bank representatives clarified that the Trust Fund could potentially have various funding 'windows,' including a window that would sub-grant funds directly to the OGP Support Unit. They emphasized that there is flexibility in the design of these Trust Funds, and that the donors to the Trust Fund have a lot of say on how to allocate Trust Fund resources. In conclusion the World Bank offered to work with someone from the Support Unit and one or more Steering Committee advisors to develop some options for the Steering Committee to consider in setting up a Trust Fund that would serve OGP's objectives and reflect core OGP principles.

### **Planning for UNGA and the OGP Global Summit in Mexico**

Mexico presented a draft statement about OGP as a platform for implementing the post-2015 Sustainable Development Goals (SDGs). The Mexican government hopes to have as many OGP Steering Committee countries as possible adopt the statement in September at a high-level press event on the margins of the UN General Assembly in New York. That would be followed by a diplomatic effort to get other OGP countries to adopt the statement in advance of the OGP Global Summit in Mexico.

There was a discussion about using this statement as a hook to ensure OGP countries make tangible new policy commitments in future OGP action plans that will support implementation of the SDGs. The Support Unit agreed to work with members of the Steering Committee to develop a menu of potential commitments, drawing on existing OGP commitments as well as new ideas.

Mexico then updated the Steering Committee on plans for the Global Summit at the end of October, including information on the theme and venue; invitations and high-profile speakers; and how the agenda is developing. The Steering Committee discussed how they could best support the Mexican government and what the expectations were of both government and civil society members. Each member made specific pledges of support, and discussed how the Summit could be used as an 'action forcing' moment for OGP countries. During this session the Croatian government presented initial thoughts on how to engage governments beyond the Steering Committee in discussions taking place there, particularly around issues like financial contributions to OGP from participating governments. The Croatian government would like to use the next few months to develop proposals and will develop proposals for discussion with GL on next steps.

Finally, the co-chairs thanked South Africa for hosting the meeting and thanked all Steering Committee members for their thoughtful contributions to the discussion.