

**Open Government Partnership (OGP)**  
**Criteria & Standards Subcommittee Meeting Minutes**  
Open Government Hub, Washington, D.C, USA  
March 9-10, 2015

**1. Welcome**

The Government of Brazil, as chair of the Criteria and Standards subcommittee, welcomed participants to the meeting. The OGP Support Unit welcomed participants to the Open Gov Hub, the base of many OGP staff. Members agreed the agenda for the next two days.

**2. Rule clarifications**

The Support Unit introduced an issue that is not currently covered by the OGP calendar rules agreed by the Criteria and Standards subcommittee and adopted by the Steering Committee in 2014. Countries that are more than six months late in delivering their new National Action Plans shift to the following group (from the even year to odd year group or vice versa). This gives countries an extra six months to develop a new action plan but there are not currently rules on the consequences of the shift. The Support Unit asked members for views on what course of action should be taken, and presented some options, including clarifying that if a country shifted calendar group it would be considered to be starting a new 'action plan cycle'.

A variety of views were expressed. Members agreed that countries should provide a clear explanation of why they were late with their National Action Plans and this information should be provided to the subcommittee. Members also requested the Support Unit to stay in regular contact with the countries concerned to understand the different situations. The Independent Reporting Mechanism was requested to note in their reports if a country had shifted calendar grouping. Concerns were raised around the optics of countries shifting calendar groupings without clear consequences.

The second item for discussion was the rationale for creating an 'inactive status' in OGP. In OGP the vast majority of participating countries are regularly producing new National Action Plans and implementing open government reform commitments. However, there are situations where countries are not actively participating in OGP activities. The Support Unit tabled some situations in which an 'inactive status' could be applied, such as if a country does not produce a National Action Plan for two consecutive years after a deadline.

Criteria and Standards subcommittee members requested a number of considerations to be included in a final proposal from the Support Unit. There was consensus that inactivity not be an end in itself, with clear next steps for countries who wished to resume being an active participant in OGP and for countries who should no longer be considered participants in OGP. This would require deadlines and for Ministers to be contacted, to ensure that the situation was fully understood at the political level. Members also concluded that civil

society organizations in each country must be kept updated on any calendar changes and shifts to 'inactive status', and that letters to and from the government in question should be made public according to the OGP disclosure policy. Some members highlighted that countries may become inactive for different reasons, and that not all should be treated the same. The role of the OGP co-chairs was also raised, with a request being made that they engage countries more proactively if they risked becoming inactive. Finally the subcommittee debated whether 'inactive status' would be applied to countries automatically after a series of missed deadlines, or whether the Criteria and Standards subcommittee would need to make a decision on a case-by-case basis, in accordance with current rules in the Articles of Governance on "Expectations of OGP Participating Governments".

In conclusion the Support Unit was asked to produce a formal proposal on both these rule changes for discussion at the next Criteria and Standards subcommittee meeting. If agreed this proposal would be tabled for consideration and eventual adoption at the OGP Steering Committee meeting in April.

### **3. Country discussion: Malta**

The Government of Malta was invited to participate in session with the Criteria and Standards subcommittee, who were required to review the country's participation in OGP after they were found acting contrary to OGP process for two consecutive action plan cycles. Several Maltese government officials participated by videoconference, and the Ambassador to the US joined the meeting in-person.

The Government of Malta provided a comprehensive update of the challenges the country has faced with regards to OGP participation to date, notably a government transition. They stated their strong commitment to bringing the OGP process back on track and co-creating a new National Action Plan with civil society by the June 30<sup>th</sup> deadline. They also provided an overview of open government efforts in the country to date, including on budget transparency, procurement and improving the environment for tourism.

Criteria and Standards subcommittee members asked a number of questions of the government, including around the priorities for the new action plan, whether the government needed any support or peer exchange opportunities, the extent to which civil society was participating, and whether a timeline had been established. The Maltese government pledged to send a timeline to the subcommittee in the near future, involve civil society throughout the process, and attend the OGP European government points of contact meeting in Georgia in early June. The subcommittee members decided to continue to monitor the situation, but agreed that the submission of a new National Action Plan by the deadline would signal Malta's renewed commitment to OGP, and thanked the government for their strong participation in the meeting.

### **4. Country discussion: Turkey**

The Government of Turkey was invited to participate in session with the Criteria and Standards subcommittee, who were required to review the country's participation in OGP after they were found acting contrary to OGP process for two consecutive action plan cycles. The official point of contact in the Turkish Government sent his apologies due to illness.

Members asked the Support Unit 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 June 30<sup>th</sup> deadline. Civil society members volunteered to discuss Turkey's participation with their counterparts in the country, using the civil G20 forums as an avenue for outreach. After receiving more information from the Government of Turkey the subcommittee will resume their review.

## **5. IRM Update and New Findings**

The Independent Reporting Mechanism Director presented a status update on their work. This included a reminder that the appointment process for new members of the International Experts Panel was coming to a close. Criteria and Standards subcommittee members had previously discussed this process and the candidates, and were content for the appointments to be made.

Other updates included information on four 'End of Term' pilot reports that will be published in April, 2015. These reports will be produced for every OGP country from 2016 at the end of their National Action Plan implementation period, in addition to the 'Mid-Term' report after one year of implementation. The objective of the 'End of Term' reports is to ensure the full implementation period of every OGP National Action Plan is assessed.

The final update advertised two IRM research papers that are being finalized, one on open data commitments and one on public participation commitments in Latin America.

Members also discussed one of the proposed changes to the Articles of Governance on how National Action Plans should be structured. As it stood governments were requested to organize their plans around the OGP 'grand challenges', but data from the IRM showed this was rarely used in practice. As such members agreed that the language requiring this should be deleted to give governments more flexibility on how to structure their National Action Plans.

## **6. Other Country Updates**

The Support Unit provided an update on all of the countries that were sent letters in late 2014 because they had not completed their new OGP National Action Plan four months after the June 30<sup>th</sup> deadline. Three countries did complete their action plans in 2014. Others will now be completing their action plan in 2015. Criteria and Standards subcommittee members agreed to continue diplomatic outreach to the countries in question to ensure that there are no

further delays in 2015. There was also agreement that the OGP co-chairs should be encouraged to use their position to conduct outreach on this issue.

<b>No</b>	<b>Country</b>	<b>Status</b>
1.	Australia	Continuing to consider whether they will participate in OGP.
2.	Colombia	Working on draft National Action Plan, now due June 2015.
3.	Italy	Submitted National Action Plan in December.
4.	Kenya	Working on draft National Action Plan, now due June 2015.
5.	Latvia	Submitted National Action Plan in December.
6.	Malawi	Working on draft National Action Plan, now due June 2015.
7.	Malta	Second letter, meeting with Criteria and Standards Subcommittee.
8.	Montenegro	New government team appointed, working on draft National Action Plan now due June 2015.
9.	Peru	Ongoing discussion about timeline with government and civil society; will publish new National Action Plan as part of the 'Odd year' group.
10.	Slovak Republic	Published new National Action Plan in early 2015 as part of the 'Odd year' group.
11.	Turkey	Second letter, meeting with Criteria and Standards Subcommittee.
12.	Ukraine	Submitted National Action Plan in December.

## **7. Criteria and Standards approach and protocols for response policy**

The OGP Response Policy was agreed at the September meeting of the Steering Committee, and the Criteria and Standards subcommittee has the mandate to agree operating procedures on how to implement the policy. In advance of the meeting the Support Unit circulated a draft document on procedures and protocols to implement the policy.

Members made numerous suggestions and comments, and asked the Support Unit to reflect these in a new draft of the document. Discussion centered around ensuring realistic timelines for dealing with a concern, compliance with OGP's Disclosure Policy, making sure that the filers and the subject of the concern were kept regularly updated, the role of external experts, and how to assess if the subject of the concern had taken steps to address the situation.

## **8. Discussion of current concerns raised under the OGP Response Policy**

On March 4<sup>th</sup>, 2015, the first concern under the OGP Response Policy was filed by three civil society organizations with regards to the situation in Azerbaijan. As

the concern was filed only the week before the meeting members were asked for initial reactions to the documents, rather than detailed analysis.

Members of the subcommittee agreed that the way in which the first concern is handled was of the utmost importance, and would set a precedent for future application of the Response Policy. Members agreed that the allegations in the concern were serious, and that the Support Unit should proceed to contact the subject of the concern and inform the Governance and Leadership subcommittee. A small team was appointed to assist with assessing the relevance and credibility of the concern, with a mandate to report back at the next Criteria and Standards subcommittee meeting. Members agreed that significant progress on dealing with this concern needed to be made by the time of the Steering Committee meeting in Mexico in April. A number of suggestions were made for third party sources that should be consulted to assist with this process.

## **Participant List**

### *Governments*

#### Brazil

Roberta Solis Ribeiro	Office of the Comptroller General of Brazil
Otavio Moreira de Castro Neves	Office of the Comptroller General of Brazil
Raphael Nascimento	Embassy of Brazil
João Paulo Terra	Embassy of Brazil

#### Croatia

Tamara Puhovski	Office of the Deputy Foreign Minister
Nikica Kopacevic	Embassy of Croatia

#### Tanzania

Susan Mlawi	Government State House
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#### United States

Lawrence Sperling	Department of State
Corinna Zarek	White House, Office of Science and Technology Policy

### *Civil Society*

Sugeng Bahagijo	International NGO Forum on Indonesian Development (INFID)
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Mukelani Dimba	Open Democracy Advice Centre (ODAC)
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Nathaniel Heller Results for Development Institute (R4D)

Warren Krafchik International Budget Partnership (IBP)

*Support Unit*

Abhinav Bahl Program Manager

Alonso Cerdan Program Manager

Joe Powell Deputy Director

Aichida Ul-Alfaha Research Fellow

*Independent Reporting Mechanism*

Joseph Foti Program Director