

Working level Steering Committee meeting
Hilton Reforma Hotel, Mexico City
Monday 26 October, 4 – 7pm

The OGP co-chairs, the Government of Mexico and Suneeta Kaimal, introduced the meeting and welcomed the group. The Support Unit Acting Executive Director provided an update on what had happened since the last meeting in July. This included: the Steering Committee election and induction of new members; an OGP West Balkans regional event in Tirana, Albania; a side event at the UN General Assembly to launch the OGP Declaration on the Sustainable Development Goals; the appointment of Winne Byanyima as a new OGP Global Ambassador; and the submission of several new national action plans.

Peer Learning and Support

As chair of the Peer Learning and Support subcommittee, Martin Tisé introduced a short peer learning exercise. Steering Committee members discussed recent peer exchange activities in small groups and the Support Unit documented things that had been happening. These included: a youth open data camp in Croatia; outreach to countries that are not yet part of OGP; a discussion with Namati, which is building a network of grassroots legal advocates who work with communities to advance justice, about opportunities for OGP commitments on access to justice; a regional event, hosted by the Asian Development Bank, that was held in the Philippines; a webinar, hosted by the World Bank and led by the World Resources Institute, on OGP and the 2030 Agenda for Sustainable Development.

Criteria and Standards

As chair of the Criteria and Standards Subcommittee, the Government of Brazil presented an update on the subcommittee's activities. The subcommittee continues to work on the cases of two governments being reviewed under the OGP response policy – Azerbaijan and Hungary and an update was provided on the status of each of these cases. In the case of Azerbaijan, the government has begun working on a new action plan that addresses some of the issues that the criteria and standards subcommittee has discussed. There will be further monitoring and dialogue with the Government of Azerbaijan to ensure strong civil society participation in the new plan. In the case of Hungary, the subcommittee has not yet finished its assessment and verification of the initial complaint and continues to look into it.

The chair gave an update on other countries that the subcommittee had been concerned about, where they were failing to meet OGP requirements or timelines. In Australia, the change in government meant that a revised final deadline would be given to the country to decide whether to recommit to OGP. In the case of Turkey the subcommittee had agreed to reconsider the situation after the country's elections, when there would be a government in place. In the case of Malta, a successful intervention meant the government has reengaged and submitted a new national action plan so the review was closed.

The chair presented an interim report on the implementation of the Response Policy, addressing challenges and lessons that have been learnt from the first year of the pilot phase. The Steering Committee was invited to provide the subcommittee with any comments or ideas to address the identified challenges for how the policy should operate and develop.

In discussion it was agreed that the subcommittee would schedule a call to discuss the interim report on the implementation of the response policy in more detail, which all Steering Committee members would be invited to join.

Dialogue with the Independent Reporting Mechanism and International Experts' Panel

The Director for the Independent Reporting Mechanism (IRM) introduced this item as an opportunity to take stock of the progress that has been made since the first IRM reports were launched two years ago. There have now been 72 IRM reports produced, the 'OGP Explorer' has been launched to provide information on action plan commitments using IRM data and the IRM team is able to see patterns and provide more guidance to researchers, governments and civil society organisations involved in the reports. An IRM procedures manual has been produced and published, in response to a previous Steering Committee request, and the IRM charter is now included in the OGP Articles of Governance.

The International Experts' Panel (IEP), which governs the IRM, was represented at the meeting by 5 of its members. The Steering Committee was invited to discuss and provide feedback on the IRM process and their domestic experiences of it. In a wide-ranging discussion there was recognition that the IRM, and the accountability that it ensures, is crucial to OGP and therefore it is important to guarantee that it operates to its full capacity and with adequate resources. The Steering Committee asked the IEP to make sure that the development of the reporting timeline enabled the IRM to function, while being aware and capable of addressing political and domestic situations that might affect a government's ability to meet deadlines. SC members questioned whether people were using the data the IRM produced and thought that more might need to be done to encourage this.

Several Steering Committee members stressed that, while the IRM needed to hold governments to account, it also needed to affirm the reformers in a system and recognise that governments are not homogenous. Other comments asked whether: there was a way of engaging research institutions in countries; countries could have more engagement with the IEP; there could be better synergy between the IRM and government self-assessment reports; the IRM could be more relevant for developing national action plans. Members acknowledged that it was important for the IRM to develop and continue to learn from experience. Some asked for information on where IRM recommendations had been used and seen to create positive change.

In the IEP response they acknowledged that it was a problem for the process when researchers did not engage properly and that they were specifically following up on that in the guidance and training provided. They explained a recent change of the definition for starred commitments because the initial definition captured too many commitments and perhaps created a perverse incentive and a distortion in the concept of potentially transformative commitments. The IEP decided to change it to make sure there was a way of truly recognising potentially transformative commitments, beyond other good ones. They echoed the importance of learning from each experience and improving the IRM. They highlighted issues where there had been a response to Steering Committee feedback, for example, IRM reports now have 5 specific recommendations at the end, which makes it easier to monitor which are taken up by governments in subsequent action plans. The IEP concluded by presenting ideas on how to make monitoring plans easier and their emerging sense from experts and researchers of what makes a good action plan. For example they encouraged countries to document progress as they implement the plan, which helps the process for government self-assessment reports and for IRM researchers. It was agreed that

the IEP would be again invited to the next Steering Committee meeting to provide further feedback to issues raised.

Incorporation

The OGP interim chief operating officer presented this item, as an update on the discussion and resolution from the last Steering Committee meeting in Pretoria. Since then an ad-hoc task force comprising of Steering Committee members from Brazil, South Africa, Croatia and Nathaniel Heller worked with the Support Unit to explore the incorporation of the OGP Support Unit and IRM as a 501 (c)(3) organisation in the United States. She thanked the task force for their efforts and advice since the last meeting and let all members know they would have an additional opportunity to discuss the details of incorporation the next day, with the lawyer that OGP had hired for the process.

She presented a proposed timeline and next steps, alongside draft bylaws for incorporation and criteria for appointing a Board of Directors. She reported that the draft bylaws presented to the Steering Committee had been reviewed, the ad-hoc taskforce had provided comments and the lawyer had revised them.

Members of the task force stressed that the Steering Committee was still exploring the option of incorporation and that the SU did not have yet a mandate to fully execute incorporation.

Furthermore, members of the taskforce wanted to ensure that all Steering Committee members have the necessary information before making a final decision and asked whether any other OGP countries had provided comments. The Support Unit said they had not received comments from other OGP countries yet, but would pursue further discussions with other OGP participating countries at the Points of Contact meeting during the Summit. Steering Committee members asked for a memorandum of understanding (MoU), in addition to the draft bylaws, to clarify the relationship between the Steering Committee and the new Board of Directors, before any final decision on the incorporation could be made.

Steering Committee members provided several comments on the issue. Several members expressed their continued support for a swift incorporation and stressed that this discussion had been going on for some time, and that no alternative viable model was under discussion. Other members encouraged a greater sense of urgency and were concerned that a delay in incorporating the OGP Support Unit and IRM would mean a waste of money, in payment to the current fiscal sponsor and overall operational inefficiencies. One Steering Committee member attributed these delays to challenges with the process in the past, rather than Steering Committee members unnecessarily delaying.

Others asked whether an analysis had been done on the savings that would result from incorporation. The Support Unit recalled a 2014 memo to the Steering Committee, which indicated that fees for Tides (approximately \$450,000/year) were compared with operations costs for an independent non-profit (approximately \$177,000/year), Members requested that this report be re-circulated to members of the Steering Committee.

Some members requested that the timeline for the continued process of exploring the incorporation model be amended to reflect the need for SC members to undergo internal procedures for approval of the proposal and relevant documents.

Steering Committee members also asked for more information on the secondment of staff members to the Support Unit, as reflected in the resolution adopted at the July meeting.

The chair concluded the discussion by outlining the next steps in the process, which the Support Unit to work with the ad-hoc task force on. The Steering Committee will be consulted at each of these stages and will be responsible for the final decision about whether to incorporate the OGP Support Unit and IRM.

- 1) Clarify and circulate the timeline for review of the bylaws and the timeline for a decision to begin incorporation, which must provide sufficient time for internal consultations. The chair proposed a virtual Steering Committee meeting so a final decision on incorporation could be made. This should be included in the revised timeline;
- 2) Develop a Memorandum of Understanding (MoU) on the relationship between the Steering Committee and the Board of Directors, for the Steering Committee to consider and agree before a final decision is made on the incorporation;
- 3) Share a full packet of materials with the Steering Committee in order to allow internal clearances, including: (i) memo with a cost-benefit analysis of incorporation that the Support Unit conducted and circulated one year ago; (ii) the MoU between the Board and Steering Committee; (iii) the bylaws; iv) agreed criteria, process and terms of reference for selecting the Board of Directors.

The Support Unit provided a brief update on the exploration of an OGP trust fund at the World Bank, with thanks given to the group of Steering Committee members who had been working on this. The governance for the trust fund is still being discussed and details are being clarified, but the Steering Committee agreed that the Support Unit could proceed with approaching potential funders to gauge interest, which would support the case for setting this up. In response to Steering Committee comments the Support Unit said they would provide an assessment of trust fund costs.

Update on search for the new OGP Executive Director

The designated Steering Committee search team provided a brief update on the process to recruit a new OGP Executive Director. There have been a number of strong applicants and the team will work with the search firm over the next few weeks to schedule interviews and make a recommendation to the Governance and Leadership subcommittee.

Summit update

The Government of Mexico provided an update on the OGP Summit and what the Steering Committee could expect over the next few days.

Ministerial level Steering Committee meeting
Tuesday 27 October, 4.30 – 7pm

The Government of Mexico welcomed the Steering Committee, particularly new members, and highlighted the successes of the last year. These included the OAS and ECLAC becoming OGP multilateral partners and deepening the principles of open government to parliaments and subnational governments.

Suneeta Kaimal reflected on the leadership that the whole Steering Committee had demonstrated in the last year, including on projects such as the sustainable development agenda, engaging subnational governments, the response policy, a number of regional meetings and the continued focus on peer learning and exchange.

State of the partnership

The Support Unit presented a 'health check' on OGP, which had been requested as a regular Steering Committee discussion during Indonesia's co-chairmanship in 2013-14. This contained updates on the development and implementation of national action plans, the operation of the IRM, civil society engagement, feedback from this year's civil society survey, and information on countries that were not meeting OGP deadlines and where Steering Committee support would be needed.

In discussion the Steering Committee considered how to support better OGP communication, stressing that, if that is done correctly, it would enhance citizen engagement and better demonstrate the relevance of OGP to people's lives. Some members reflected on how to make sure OGP is entrenched at the national level and reflected on the Steering Committee's role in connecting directly with people in other countries, beyond typical diplomatic outreach. There was significant focus on the importance of peer learning and exchange, with members reflecting on the ongoing successes seen when this works and how to capture it for the benefit of more countries, particularly those which could be doing better. There was discussion about how to measure the impact of OGP, how to capture what is being learnt from commitments that were reported as being ambitious and impactful, how to support countries that are, or might, face political resistance and a question about how to expand open government principles to different areas and other parts of government.

The Support Unit asked for volunteers from the Steering Committee to support countries that are new to OGP or are over a year late submitting a national action plans. Many Steering Committee members volunteered and will provide an update on each of these cases at the next meeting.

The Steering Committee spent some time discussing its operation and decision-making procedures. A number of suggestions were made on ways to better define procedures and clarify the decision making process, which will be taken forward by the incoming co-chairs and brought back to the next Steering Committee meeting.

2030 Agenda for Sustainable Development

The Government of Mexico provided an update on how many countries had adopted the declaration on OGP and the sustainable development agenda – now 40 – and invited other Steering Committee members to support this ongoing effort to get all OGP participating countries to sign on.

Steering Committee members recognized the Mexican government for their leadership on this work and agreed that there was a huge opportunity to make sure that transparency and open government underpin all of the sustainable development goals (SDGs). The special edition of the Open Government Guide on the sustainable development agenda and the paper written by WRI and the Mexican government were discussed as very practical ways of supporting OGP countries to develop commitments in national action plans. The chairs recognized the work done so far and encouraged Steering Committee members to continue to demonstrate leadership and lead by example in their own action plans.

There was discussion about putting emphasis and effort on the anti-corruption target in SDG 16 and how to take advantage of other international events, to develop and launch OGP commitments. Members talked about how important collective commitments between countries would be to really have an impact, with civil society involved throughout. The governments of Mexico and the US, and Manish Bapna and Julie McCarthy, volunteered to develop the draft implementation plan for linking OGP and the Global Goals that was circulated prior to the October meeting.

Subnational Governments Pilot Program

A number of Steering Committee members had volunteered at the last meeting to develop the proposal for engaging subnational governments in OGP. This group presented the work they had done, including a draft concept for a pilot program, and emphasised that they would be using the Summit to solicit input and ideas from participants, particularly those from national and subnational governments.

Steering Committee members were supportive and enthusiastic about this work. Some gave examples of things that are already happening in their countries, which the pilot should look into. Other members cautioned that the project should be kept small throughout its pilot phase, so that OGP can understand how this will operate and will not become overwhelmed. They said that this work should properly understand the different relationships between national and subnational governments. The Support Unit was asked to ensure that the pilot does not focus too much on cities alone, but rather should bring in provinces, states and other forms of subnational government. Members also highlighted the importance of having a pool of subnational governments with different social and economic realities.

Some members talked about how the pilot would be able to engage more subnational governments in the future and how the OGP Support Unit, in its current guise, would be able to support that. The Support Unit confirmed that the IRM would be able to support an assessment of the pilot stage commitments and that that would inform future investment in this work.

The Steering Committee agreed the following resolution:

The Steering Committee commends the work of the subnational task force and agrees to the scope of the pilot program in the draft concept note. The Steering Committee supports the outlined concept, timeline and roadmap, and mandates the subnational task force to

continue this work with any further changes to be circulated to the full Steering Committee. An update on the progress of the pilot program should be provided at the next Steering Committee meeting. The full Steering Committee will be responsible for decisions related to subnational engagement arising from the pilot program.

Other Business

- Updates were provided on the discussions at the working level meeting the previous day on peer learning, criteria and standards, the IRM and IEP discussion and a summary of the conversation about incorporation of the OGP Support Unit and IRM and development of a trust fund.
- Alejandro Gonzalez asked the Government of Mexico for an explanation of the criteria that was applied to determine who got seats during the Summit inauguration the following day. The Government of Mexico explained that the need to host the inauguration in a different venue to the one where the Summit was taking place was because there were a large number of registered participants and the alternative venue allowed more people to see it directly. There was also a need to confirm numbers before the inauguration itself to allow them to determine logistics and the necessary security for the President's participation. The criteria applied to participants, to determine who got seats, were done in consultation with the Support Unit. Seats were allocated to: government delegations (with a maximum number of seats per government); the Steering Committee; civil society members from around the world that had been funded to participate; Mexican civil society organisations which are involved in OGP and had supported the planning process for the Summit; and session organisers.
- The Government of Croatia suggested the Steering Committee should explore greater participation of youth in OGP and also oversee the development of an e-plenary platform to engage all OGP participants, beyond the Steering Committee, in discussions. The chair asked the Government of Croatia to develop a brief concept note on both these issues to present back to the Steering Committee. The Governance and Leadership subcommittee will be considering and discussing Steering Committee procedure and decision-making for the next SC meeting, and the concept on an e-plenary platform will feed into that.
- The Steering Committee thanked the Government of the Philippines, and the Government of Tanzania in their absence, as they are ending their terms, for the integral role they have played since OGP was launched. Acknowledgement was also made to the work of Cecilia Blondet, who had stepped down since the last Steering Committee meeting.