

**Open Government Partnership
Criteria and Standards Subcommittee Monthly Call**

Thursday, August 3 2017

*10:00 WASHINGTON - SANTIAGO / 11:00 BUENOS AIRES / 16:00 MADRID - JOHANNESBURG / 17:00
BUCHAREST*

Agenda items

1. Rules of the Game review 2.0 - table for approval in September 2017
 - Steering Committee eligibility
 - Eligibility criteria & protocols
 - Procedural Review Protocols
 - Commitment cap
 - Response Policy review and final text
2. Countries under review:
 - Procedural Review: (no immediate decision) Bosnia Herzegovina, Montenegro, Tanzania, Trinidad and Tobago, Tunisia, and Turkey.
 - Response Policy cases next steps: Azerbaijan & Australia
3. 2017 NAP updates and red flags
 - a) already or about to be submitted; b) in process; c) no consultation started
4. AOB

Call Summary

1. Rules of the Game review 2.0 - table for approval in September 2017

- a. **Steering Committee eligibility (governments):** In addition to the current criteria for governments to join the Steering Committee, the subcommittee approved additional requirements to heighten ambition and strengthen co-creation processes. See 2-pager attached for more details.

Action Items:

- Subcommittee approved basic requirement of having a PDM to run for election and demonstrate Ministerial participation in the required meetings to run for reelection.
- C&S requested the SU to develop proposal of key co-creation standards that a country would have to demonstrate in order to be eligible to run.

- Assessment process of embracing the OGP Declaration must be specified.
- b. **Eligibility Criteria & Protocols:** The task force elaborating proposed changes to the eligibility criteria has been expanded to include other SC members. Nathaniel and Radu are leading the process. The C&S developed and approved the protocols that indicate what happens when a country falls below eligibility criteria.

Action items:

- Protocols when falling below eligibility:
 - C&S approved to table the following change to the Articles of Governance:

Should a participating government fall below the minimum eligibility criteria (see Addendum A, updated each year by the OGP Support Unit), that government should take immediate and explicit steps to address issues so that it passes the threshold within one year. Governments that do not rise above the threshold in one year will automatically be designated as inactive in OGP, with the same rules applying.
 - Eligibility Criteria:
 - SU to perform run through of certain V-Dem indicators
 - Public call for ideas from the broader OGP community open until August 15. See more details here:
<https://www.opengovpartnership.org/stories/public-call-ideas-strength-en-ogps-eligibility-criteria>
 - Task force to update C&S in late August.
- c. **Procedural Review Protocols:** SU tabled a series of proposals on protocols to address what happens once a country is placed under Procedural Review. One pager is attached.

Action items:

- The C&S approved the proposed protocols for procedural review and will be tabled for SC approval in the September SC meeting.
- The C&S requested for the SU to, from now on, always specify the reason for which a country was placed as inactive in communications. (i.e. Inactive for failure to deliver a NAP.)

- SU asked to flag potential problems and update C&S at the earliest possibility.
 - SU to provide update on Rapid Response procedure after consulting with GL.
- d. **Commitment cap:** IRM tabled a proposal to cap the number of commitments in future NAPs, with a suggested number of milestones.

Action item:

- C&S approved the following resolution which will be tabled for SC approval in the September meeting:

Considering the needs for including diverse issues and stakeholders and raising the ambition of commitments in OGP, the C&S proposes that beginning in 2018 the number of commitments per action plan be capped at 20, with a suggested maximum 5 milestones per commitment. The Support Unit will continue to encourage action plans between 5 and 15 commitments, and provide support to encourage specificity, relevance, ambition, and credible implementation.

- e. **Response Policy review and final text:** Direction of travel included in the draft submitted to the Steering Committee ahead of the June meetings was approved. Based on comments and feedback received, Sophie has provided the attached final recommendations and protocols for C&S review and approval.

Highlights:

- Overall agreement upon what was proposed. Final text being drafted by the consultant.

The proposed timeline for RotG 2.0 is as follows:

July 21 - 2-pagers circulated among C&S for review and commentary.

August 3 - C&S call to discuss and review input.

August 17 - Revised versions circulated among C&S for 2nd round of comments.

August 24 - C&S call - final review and approval of all elements.

August 30 - Packet of proposals submitted to SC for September meetings.

2. Countries under review

a. Procedural Review

- i. **Bosnia Herzegovina.** The BiH decision (from late 2016) to participate in OGP mandates that all government bodies in BiH need to be signed on to OGP and in

agreement with each other. For the last six months, the Central government, Federation of Bosnia-Herzegovina and Brcko District have been signed up to OGP, but the Republika Srpska had not appointed a representative despite multiple attempts by civil society, central government and multilaterals to reach them. A representative attended the last meeting but are yet to formally sign up. It is expected that that they will formally commit at the council meeting on the week of July 17, and if they do so, BiH may be in a position to submit a NAP but not until December at the earliest. Governance in BiH could be complicated therefore the final approval of the NAP could take months.

- ii. **Montenegro.** Montenegro acted contrary to process for three consecutive action plan cycles by not delivering their 2nd NAP since 2014. In January 2017 the C&S agreed to recommend that the SC designates Montenegro as inactive at the June SC meetings. Prime Minister Markovic sent a letter to SC ahead of the June meetings stating the high-level commitment to deliver its new NAP within two months and ensuring its successful implementation. In an effort to hold all countries accountable to the same standards, the SC decided by consensus to designate them as inactive for 1 year, or until the new NAP is submitted, underscoring value of strong co-creation. The SC co-chairs responded to PM Markovic's letter welcoming the high-level commitment, and informing about the decision to designate Montenegro as inactive. An offer by the SU to arrange a phone meeting with the C&S was not responded. The SU asks that all SC members help reinforce the message and extend any available support to Montenegro in their NAP developing process.
- iii. **Tanzania.** There has been no response from the POC and the NAP still has not been submitted and launched. An OGP SU team will visit Tanzania to meet with the Government on August 14-17 to speak about the challenges and support that can be given to Tanzania to be able to submit their NAP.

Highlights:

- SU to firmly communicate during its visit in August the importance of adhering to the OGP process and timelines.

- iv. **Trinidad and Tobago.** No further communication has been received since they placed under review. The last conversation between the OGP Support Unit and the POC was on June 30, 2016. The POC noted that T&T would be unable to submit a NAP in 2016 and requested to be moved to the 2017 calendar. Since

then there have been multiple attempts to reach out to the POC including reminders and invitations to the Paris Global Summit and upcoming Argentina regional meeting in November (July 10); reminder to cast a vote in most recent SC elections (March 13); and letters informing of late SAR and NAP, including cohort shift to 2017 (March 8, and January 13 respectively).

- v. **Tunisia.** Tunisia missed the June 30, 2017 deadline to publish the 2015 Audit Report to improve its eligibility score above the minimum threshold due to administrative hurdles in the Parliament. However, Tunisia demonstrated progress by developing a preliminary report, and including specific actions in their latest NAP to promote fiscal transparency. The C&S co-chairs sent a letter to Minister Briki acknowledging the government's efforts, and inform about the decision to extend the deadline for passing the eligibility criteria threshold to regain eligibility by one year. This requires publishing the 2016 Audit Report (approved by Parliament) by June 30, 2018. Should Tunisia fail to meet this deadline, C&S will automatically recommend that the SC designates the country as inactive.

- vi. **Turkey.** No further communication has been received since they were designated as inactive. The one year period expires on September 21st, 2017. Once this happens, our current rules say: *"If a country remains inactive for a period of one year without stating it wants to continue as a participant in OGP, the Support Unit will inform the Criteria and Standards of the situation. The subcommittee will then recommend to the Steering Committee that the SU moves the country off the inactive status list and is no longer listed as part of OGP. The Support Unit will send a letter to the country informing them about this procedure."*

Action items:

- The SU will give C&S a final update regarding Turkey during our August 24 call.
 - SU to draft letter from C&S to SC informing of subcommittee's decision on Turkey's case.
- b. Response Policy cases next steps:
 - i. **Azerbaijan.** SU and C&S Chairs will draft a one page description on the process to draft the updated recommendations. This will include a three-week (July 24-

August 11) period for the relevant stakeholders to provide inputs and then a two-week (August 23-September 6th) public comment period. The final version will be presented on September 15.

Highlights:

- SU to circulate process to draft updated recommendations (see attached).
- ii. **Australia.** The C&S has approved the final report prepared by the SU and agreed to proceed to close the Response Policy Case.

Action Item:

- SU to communicate the final decision of the C&S to the Government of Australia and update website with finalization of the case.

***Consult our [Countries Under Review tracker](#)*

3. 2017 NAP updates

The following table contains information on the status of NAP delivery for odd-year countries. The due date for the NAP was June 30.

Delivered	To deliver over summer	To deliver before 10/31	Will probably deliver after 10/31	Stalled
Finland Philippines Nigeria Slovak Republic Spain	Argentina Burkina Faso Cabo Verde Costa Rica Colombia Germany Liberia Latvia Panama	France Denmark Luxembourg USA	Afghanistan Croatia Israel Pakistan Peru	Bosnia and Herzegovina* Ghana Jamaica Malta Montenegro Papua New Guinea Tanzania Trinidad and Tobago Turkey