

**Open Government Partnership  
Criteria and Standards Subcommittee monthly call**

*Thursday, April 5, 2018*

*(10:00 WASHINGTON / 11:00 SANTIAGO / 16:00 BERLIN - ROME - PRETORIA / 17:00  
BUCHAREST / 22:00 ULAANBAATAR)*

**Agenda**

- 1. Call with Bosnia and Herzegovina POC (confirmed)**
- 2. C&S updates:**
  - a. Eligibility Review**
  - b. Trinidad and Tobago update**
  - c. Articles of Governance update**
- 3. Chat with Montenegro POC (postponed)**

**Participants**

- Marie Lintzer (second for Suneeta Kaimal, NRG)
- Tur-Od Lkhagvajav, Asia Democracy Network
- Stefano Pizzicannella; Government of Italy
- Larisa Panait; Government of Romania
- Francisco Sánchez; Government of Chile
- Alonso Cerdan, Jaime Mercado: Support Unit (SU)

**Apologies**

- Robin Hodess, TI
- Government of South Africa
- Maria Barón, Directorio Legislativo

**Call Summary**

**1. Call with Bosnia and Herzegovina POC** - Government representatives from BiH, Goran Kučera and Vedrana Faladžić, joined the C&S call to i) provide an update on the status of the OGP action plan development process in BiH; ii) share what options the government of BiH has to develop the action plans by the established deadline (August 31, 2018); and iii) identify what support and next steps can be provided by the C&S/SC/SU.

***Status quo***

In late 2016, the Council of Ministers of BiH resolved to establish the Advisory Committee for OGP in BiH which would be responsible for advising and coordinating the promotion of transparency and openness in public administration, and citizen engagement in the design of public policy. The Advisory Committee is also responsible for the coordination of the development of BiH's OGP action plan.

The decision of the Council of Ministers mandates the Advisory Committee to be composed of representatives from State and Entity levels of government, as well as civil society. The proposed composition is:

- Four representatives from Council of Ministers (Two from Ministry of Justice and two from the Public Administration Reform Coordinator's Office), at the State level.
- Two representatives from each Entity level government (Two from the Federation of BiH, two from the Republika Srpska, and two from the Brčko District).
- Four representatives from CSOs, selected through an open call in 2017.

To fulfill this mandate, the Advisory Committee would develop a Framework Action Plan, which would include action plans from the four members of the Advisory Committee, in coordination with the civil society representatives of the Advisory Committee. During the first half of 2017, the civil society representatives called for several meetings to discuss commitments for BiH as part of their participation in OGP. These meetings were attended by the Ministry of Justice, the Public Administration Reform Coordinator's Office, and representatives from the Federation government.

As of April 2018, representatives have been appointed by the Council of Ministers, the Federation, the Brčko District, and civil society. Despite multiple attempts by members of the Advisory Committee, the Republika Srpska has not appointed the second representative required for the Committee to convene and develop the Framework Action Plan. They appointed only one member.

### ***Possible options and next steps***

The first option discussed is for the C&S co-chairs to send a letter to the Republika Srpska government, urging them to appoint the second representative required for the Advisory Council to convene and move forward with the BiH OGP action plan. It was noted that there are several initiatives that could be included in the action plan, and that activities to start the action plan would begin immediately once the appointment of the Republika Srpska is received in order to submit the action plan by the deadline. It was also suggested that a visit to the government of the Republika Srpska be coordinated in the upcoming month, with the goal of addressing any possible concerns regarding joining the Advisory Committee, and explore other options.

The second option discussed, should the Republika Srpska decide not to adhere to the Advisory Committee, would be for the Ministry of Justice to convey to the Council of Ministers why the decision to develop BiH's OGP action plan through the Advisory Committee is not feasible given the absence of full representation from the Republika Srpska. The Ministry of Justice would propose that the Council of Ministers proceed with drafting its own action plan, and for the Council to inform entity level governments to develop their own action plans. It was noted by the POC that this option would not have negative implications, given that commitments would be drafted in consultation with civil society, and that an opportunity to include further commitments would be available. This would require a decision by the Council of Ministers.

**2. C&S updates** - The Support Unit will present an update on the following C&S work areas:

- a. *Eligibility Review* - The eligibility review is pending the updated data from V-Dem to assess the Values Check criteria. This data will be released in mid-April. A memo outlining changes in eligible governments, and those falling below, if any, will be presented in the next C&S call. The updated eligibility scores will be published by end of the month on the OGP website.
- b. *Trinidad and Tobago* - The C&S co-chairs drafted a letter (attached) addressed to the Ambassador of Trinidad and Tobago to the United States. The letter outlined the status of Trinidad and Tobago's participation in OGP, and next steps should it fail to re-engage in OGP in 2018. The letter requested the assistance of Ambassador to deliver the message through appropriate channels, given that the Support Unit has lost all contact with former POC and ministry, and has not received responses to previous communications since mid 2016.
- c. *Articles of Governance update* - The Support Unit has identified and contracted a legal consultant to undertake the review. A first outline of changes to the AOG will be presented in the next C&S call. This will include i) changes already approved since 2015, and ii) new proposed administrative changes to align with current practices and guidance. The adjusted timeline for the AOG review is aligned to the upcoming C&S calls:
  - i. May - Outline of changes to the AOG (new and old) presented to the C&S.
  - ii. May - First draft of changes presented to the C&S for comment.
  - iii. Mid-June - Second draft presented to the C&S for comment and approval. Final versions of the proposals will be sent in the SC packet for the July SC meeting.
  - iv. July 16 - working level SC meeting to discuss and approve changes.
  - v. Q4 - working level SC meeting to present final changes and second round of approvals, if needed.
  - vi. Q4 - SC approved revised version of AOG presented for public comment (1 month)
  - vii. Q4 - AOG considered approved and review process finalized. AOG published in OGP website and effective January 1, 2019.

**3. Montenegro Update** - The Support Unit did not receive confirmation from the government of Montenegro to join this call, despite numerous attempts. A final push to re-engage Montenegro in OGP must be done in April/May. Given the upcoming deadline for the government to submit an action plan as outlined in the inactivity resolution (June 28, 2018), the Support Unit requested support from C&S governments to reach via diplomatic channels.

The decision to no longer consider Montenegro an OGP participating country, should it fail to deliver an AP by the established deadline, would not require an SC resolution as such decision would be in line with current practice for countries that remain inactive for over one year without re-engaging with OGP (E.g. Turkey).

***Action item for C&S:***

- Government members of C&S kindly requested to explore via embassy contacts who may the C&S/SU reach out to within the Montenegrin government. The contact details of the OGP POC and are included below for reference.

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**4. Next C&S Calls** - Please save the date for May 3, May 31, June 21. Calendar invites will be sent in the coming days.