Open Government Partnership
Criteria and Standards Subcommittee monthly call
Tuesday February 21, 2017
10:00 WASHINGTON / 12:00 BUENOS AIRES – SANTIAGO / 16:00 MADRID / 17:00 BUCHAREST - JOHANNESBURG

Agenda items

1. **Eligibility Criteria Update**
   1.1. **Tunisia**
2. **Azerbaijan meeting update and next steps**
3. **Response Policy review update and next steps**
4. **General updates**

Participants

- Claudia Montero; Government of Chile
- Radu Puchiu; Government of Romania
- Mesuli Macozoma; Government of South Africa
- Channan Weissman; Government of the United States
- Nathaniel Heller; Results for Development Institute (R4D)
- Suneeta Kaimal, NRGI
- Helen Darbishire, Access Info Europe
- Maria Baron, Directorio Legislativo
- Alonso Cerdan, Helen Turek, Jaime Mercado: Support Unit (SU)

Summary

1. **Eligibility Criteria Update**

The Support Unit has to publish yearly updates of the eligibility criteria. The 2016 process and timeline for updating the eligibility data was as follows:

- Late January 2017 - The 2016 eligibility data were updated and reviewed by the Support Unit (once data from the EIU's Democracy Index was released)
- Mid-Late February - Data was sent to the Criteria and Standards subcommittee for review
- Late February - Data will be sent to the Steering Committee
- Early March - Revised data will be publicly announced on the OGP website

Highlights:

Countries Newly Eligible to Join OGP:
Senegal has been credited for recent changes and are now scoring enough points in order to join OGP.

Country	Score (2015)	Score (2016)

Senegal	10 out of 16 (63%)	12 out of 16 (75%)

Countries No Longer Eligible to Join or Participate in OGP:

Namibia and Nepal are no longer eligible to join or participate in OGP due to decreases in their respective scores.

Country	**Score (2015)**	**Score (2016)**
Namibia	12 out of 16 (75%)	10 out of 16 (63%)
Nepal	13 out of 16 (81%)	11 out of 16 (69%)

In addition to the Senegal, 11 countries (**Albania**, Benin, Cyprus, **Kenya**, Lebanon, Myanmar, **Sri Lanka**, Togo, Vanuatu, Vietnam and Zimbabwe) saw an improvement in their eligibility score in 2016.

In addition to Namibia and Nepal, 10 countries (Bolivia, Botswana, **Brazil**, Hungary, Libya, **FYR Macedonia**, Mali, Moldova, **Pakistan** and Yemen) saw a decrease in their eligibility score in 2016.

Note: Please see attached '**Notes on the Eligibility Changes in 2016'** document for further information on score increases, decreases and eligibility updates. A more detailed breakdown of scores per criteria can be found here.

Action items:

a. SU to publish updated eligibility scores.
b. SU to send more detailed information to the subcommittee about why countries became eligible or are no longer eligible. **[Done]**
c. SU to draft a statement on eligibility and messages around those countries that have improved or decreased their scores. This would be circulated among the subcommittee for comments and then signed by the co-chairs. Include link to eligibility datasets.
d. Concerns about specific cases can be raised during the 'rules of the game' review (e.g. Nicaragua case raised by Maria).
e. UPDATE: An in-house review of eligibility criteria was completed after our last meeting. All updates in eligibility scores resulting from this review are attached CS Subcommittee. These updates will be sent to the full Steering Committee on March 20. Once reviewed by the Steering Committee, the updates and eligibility scores will be posted publicly during the week of March 27 (See attached **Notes on the Eligibility Changes in 2016).**

1.1 Tunisia

Background:
In the 2015 update, Tunisia fell below the eligibility criteria due to not publishing the audit report, therefore losing two points. Tunisia was given one year to raise its score back above the threshold, but it failed to do so. The Criteria and Standards subcommittee should decide the terms for Tunisia's continued participation within OGP.

Update:
Tunisia's 2015 audit report is delayed in parliament. The latest audit report available is from 2014, published on December 30, 2016 (two years after), and 2013 audit report was published on December 31, 2015 (also with a two year lag). According to IBP criteria, for an audit report to qualify as a publicly available document, it must be published within 18 months after the end of the reporting period. Tunisia's unaudited Year End Report is ready. This means that the 2015 report should be published by June 30, 2017 in order to count as publicly available.

IBP will go live with the new Tracker update in March (exact date TBC), where Tunisia's 2014 Audit Report will be showed as being published late. IBP's position is that documents that are published late or that are not published should result in a country not being awarded two points associated with publishing these documents.

Besides its audit report being delayed in parliament, Tunisia's overall performance is satisfactory. The CS subcommittee must reach a consensus on what course of action to take on the Tunisian case now that a year has elapsed since falling below eligibility threshold.

Proposed action items:

a. SU to check the data from the Open Budget Survey in more detail to understand the exact status of the audit report publication. **[Done]**
b. Suneeta Kaimal will reach out to NRGI staff in Tunisia to gather some more intel.
c. SU and the co-chairs of the subcommittee will draft a letter addressed to the Tunisian government. The letter will state that the eligibility of Tunisia will be discussed at the upcoming Steering Committee meeting.
d. Maria Baron suggested to carry out a legislative analysis of Tunisia to better understand the time it takes to approve legislation in the country and compare to the average. **Update:** Based on IBP's criteria to qualify as publicly available document explained above, this approach will not yield a satisfactory justification.

2. Azerbaijan Meeting Update

During February 9 and 10, the governments of Georgia and France visited Baku and met with representatives from government and civil society. We will provide reports and information on this visit shortly.

In preparation for the June discussion, ICNL has agreed to do an updated review in order analyze if the operating environment for civil society has improved.

Suneeta Kaimal reported back from an NRGI event that took place in Kiev the previous week. Questions about the status of Azerbaijan and the approach of the OGP SC were raised; these were clarified. The Anti-Corruption Commission of Azerbaijan stated their commitment to OGP.

EITI board meeting will take place during the first week of March, and a decision about the status of Azerbaijan will be made. The EITI international board chair visited Baku recently and has gathered useful

data and information about the situation in the country, albeit slightly different from the data/approach used by OGP.

Action items:

a. SU to circulate reports from the visit of Georgia and France as soon as they are made available.
b. SU to send the timeline and process requirements for the lead up to June SC meeting.

3. Response Policy Review update

The Support Unit has chosen Sophie Smyth, from the MTR team as the consultant to conduct the Response Policy Review process. Sophie is a lawyer and has deep understanding of OGP and the Response Policy. The next regular review of the Response Policy should be concluded in September 2017. Below presents a draft timeline for this review process.

- February: Hire consultant
- March - April: Review undertaken: Desk research and Interviews.
- May 2: First Draft report submitted to Criteria & Standards including recommendations on a) scope, b) process, c) language/interpretation of the policy.
- May 9: Criteria & Standards call to discuss draft report and take comments
- June 13: Second draft report submitted to Criteria & Standards.
- June TBC: discuss second draft report and proposed revision with GL (in-person meeting Paris).
- June TBC: Present preliminary findings to full steering Committee for input.
- July 5: Final draft version shared with Criteria & Standards.
- July 11: Criteria & Standards call to discuss final draft and take final comments from Criteria & Standards.
- August 8: Final version agreed by Criteria & Standards and shared with SC.
- September TBC: Revised Response Policy tabled for discussion with and approval of full Steering Committee.

Action items:

a) SU to ensure that a review of the Articles of Governance is included to make sure documents are well-harmonised.
b) SU to send ToR for the review as soon as it is finalised.

4. General updates

Late letters: The following countries did not deliver a Self-Assessment report on time and have received a letter: Bulgaria, Mexico, Mongolia, and Trinidad and Tobago.

Countries under review. Consult our tracker.

Action item:

All members of the Steering Committee are requested to carry out one last push on Montenegro to deliver an action plan.