

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

Thursday January 25, 2018

*10:00 WASHINGTON / 12:00 SANTIAGO / 16:00 BERLIN - ROME / 17:00 BUCHAREST -
PRETORIA / 23:00 ULAANBAATAR*

Agenda

- 1. Welcome and general updates**
- 2. 2017 year in review**
- 3. 2018 C&S work plan**
- 4. AOB**

Participants

- Suneeta Kaimal, NRGi
- Robin Hodess; Transparency International
- Maria Baron, Directorio Legislativo
- Tur-Od Lkhagvajav, Asia Democracy Network
- Rodrigo Mora; Government of Chile
- Stefano Pizzicannella; Government of Italy
- Alonso Cerdan, Paul Maassen, Jaime Mercado: Support Unit (SU)

Apologies

- Government of Romania
- Government of South Africa

Reference Information and Decisions

- 1. 2017 Year in Review** - During 2017 the Steering Committee approved changes to OGP rules based on learning from the last 6 years and also to raise the bar on OGP processes.
 - i. **Values check.** Moving forward, countries that want to join OGP will not only have to comply with the minimum eligibility requirements, but also pass a values check assessment. This Values Check would be measured by country scores on two Varieties of Democracy (V-Dem) indicators, namely “12.2: CSO entry and exit - To what extent does the government achieve control over entry and exit by civil society organizations (CSOs) into public life?” and “12.3: CSO repression - Does the government attempt to repress civil society organizations (CSOs)?”. Countries who wish to join the Partnership in the future will need to be eligible according to the current four OGP eligibility criteria as well as pass the Values Check assessment by earning an ordinal score of “3” or higher on at least one of the two proposed V- 5 Dem indicators. This additional Values Check would be applicable only to those countries who wish to join the OGP in the future and will not be applied retroactively to currently participating OGP countries.

- ii. **Participation and Co-creation standards and procedural review.** The new Participation and Co-creation standards were approved in 2016. In order to harmonize the minimum requirements that might lead to a procedural review process, two triggers were updated. Moving forward, a government will be found to have acted contrary to OGP process if they do not meet the IAP involve requirement during development or inform during implementation of the NAP as assessed by the IRM; or if they fail to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.
- iii. **Response policy.** The SC approved an updated version of the Policy on Upholding the Values and Principles of OGP, as articulated in the Open Government Declaration (Response Policy). The changes include clarifying the rationale for the Response Policy, making it clearer how an inquiry can be triggered and making the terminology more consistent with other OGP policies, for example by replacing the term “inactive” with “suspended”.
- iv. **Country calendars.** During 2017, Support Unit staff carried a consultation process with stakeholders in order to introduce small changes to the Action Plan calendar and make it more flexible. Moving forwards, the AP delivery window shifted to August 31 with a hard deadline being pushed back to December 31. Self-Assessment Reports will be due on November 30, giving countries 90 days to develop. The IRM reports would be delivered 18 months after the action plan in April.
- v. **Commitment cap.** While the SC did not impose a hard cap on the number of commitments that a country can include, it strongly recommends that, beginning in 2018, countries cap the number of commitments per action plan to 20 with a suggested maximum of 5 milestones per commitment, with the aim of incentivizing more ambitious commitments in National Action Plans.
- vi. **NAP delivery update.** During 2017 we received 18 NAPs out of 32, with 14 countries failing to do so (Including Turkey and Tanzania who withdrew from OGP in 2017). The other 12 countries that did not deliver NAPs by December 31 have shift cohorts to the ‘even year’ grouping, and are now expected to deliver action plans in 2018: Bosnia and Herzegovina (BiH); Cabo Verde; Croatia; France; Jamaica; Luxembourg; Malta; Montenegro; Pakistan; Papua New Guinea; Trinidad and Tobago (T&T); and USA. Letters have been sent to each country informing of this occurrence and can be found [here](#).

2. 2018 C&S Work Plan

a. Eligibility updates.

- i. **2017 scores update.** The Support Unit reviews the eligibility scores for all participating and non-participating countries on a yearly basis, before the end of the first quarter. In 2018, C&S will be asked to endorse an eligibility scores update memo prepared in coordination with the Support Unit,

indicating which countries are newly eligible to join, and which fell below eligibility (including current countries).

Action item: *Support Unit (SU) will provide an update on the country scores during the March call. The memo completion date will depend on the update of the database OGP uses to [assess eligibility](#), usually done around March per previous experience.*

- ii. **Tunisia** fell below the eligibility criteria in 2016 due to not publishing the audit report on time for the 2015 scores. OGP uses the International Budget Partnership's (IBP) Open Budget Survey to assess the Fiscal Transparency metric of the [eligibility criteria](#). In order to meet this criteria, the Executive's Budget Proposal and Audit Report must be published within established deadlines (with 18 months after the end of the reporting period). Tunisia's audit reports are typically published with a two year delay. Countries that fall below eligibility have one year to raise above the threshold, which Tunisia was unable to do. Other challenges identified by previous visits from subcommittee members include lack of prioritization coupled with turnover within the government. In mid 2017, Tunisia was granted a one-year extension to raise above threshold by publishing a Parliament approved 2016 Audit Report by June 30, 2018 to avoid being automatically being designated as inactive. In 2018, C&S will need to review the progress made by Tunisia and prepare a recommendation for the SC to approve.

Action items:

- 1. *C&S members to gather intel from partners and identify targets from civil society and government that can help move the needed. C&S members to provide an update at the February call; invite Tunisia POC or any other relevant contact to March C&S call*

- b. **Countries under review: Cabo Verde, Croatia, Papua New Guinea.** These countries have been placed under review due to acting contrary to process for two consecutive action plan cycles (see the "Acting Contrary to Tracker" [here](#)). The SU will develop country briefs for each country to update C&S explore possible support.

- i. **Cabo Verde:** *The SU received a letter from the Prime Minister of Cabo Verde informing that their action plan will be delivered soon. Cabo Verde required some internal procedures in order to formalize its OGP membership internally. After a resolution was passed in December 2017, the PM informed that Cabo Verde will proceed with its financial contribution to OGP and subsequently publish its NAP.*

- ii. **Croatia:** Croatia has a draft action plan, which according to the POC, will be approved and published soon. Since Croatia has shifted cohort to 2018, their new AP will be implemented throughout 2020.
- iii. **Papua New Guinea:** PNG has a draft action plan developed through a co-creation process led by motivated officials at the MFA. However, they could not finalize it before an election which ran through much of 2017, finally resulting in a government in September. In the meantime, officials have been active and attended OGP exchanges like the Asia Pacific PoC day in December 2017. PNG has substantial governance challenges but remain optimistic that will be able to re-engage soon.

c. **Inactivity decisions: Bosnia and Herzegovina; Trinidad and Tobago.** Per the current rules, inactivity will be automatically recommended by the C&S for countries that act contrary to process for three consecutive action plan cycles. Drawing on previous experiences, the SU recommends that BiH and T&T be invited to join the C&S February call to explore ways to support both countries and avoid placing them in inactive status. The C&S will need to draft a recommendation regarding the participation of BiH and T&T in OGP, for approval by the SC during the Georgia SC meetings in July.

- i. Background on BiH: 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. 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. In early 2018, the Support Unit received a letter from the Government of BiH with an update on the OGP process in BiH, and indicated that, should the Republika Srpska does not sign on to OGP -the only remaining government body to do so- the Council of Ministers of BiH will propose a new solution to carry the OGP process forward.

Action Items:

1. SU will invite POC to February C&S call to gather an update and explore what support can C&S provide to overcome challenges.
 2. SU will begin drafting inactivity report and recommendation.
- ii. Background on T&T: No further communication has been received since they placed under review in 2016. 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 in 2016 and upcoming Argentina regional meeting in November (July 10, 2017); reminder to cast a vote in most recent SC elections (March 13, 2017); and letters informing of late SAR and NAP, including cohort shift to 2017 (March 8, and January 13 of 2017 respectively), and most recently on [December 5th, 2017](#), informing that it had acted contrary to process for three consecutive cycles, and therefore inactivity would be recommended to the Steering Committee.

Action Items:

1. *SU will make an attempt to invite T&T to join February/March call. This could be challenging given lack of response from POC in the past.*
2. *All C&S members requested to explore possible channels to get in touch with POC and/or help plan a country visit. Robin to check with the TI chapter in T&T for any possible support.*

d. Inactivity reviews (Procedural): Montenegro

- i. Montenegro has been designated inactive in June 28, 2017 for failure to develop a NAP in three years. In order to avoid being withdrawn from OGP, Montenegro must submit a NAP by June 28, 2018. In 2018, C&S will need to review any progress made by Montenegro. If Montenegro fails to deliver a NAP before of the established deadline, C&S will move to end inactivity status and remove Montenegro from the OGP website, and thus longer being considered an OGP country (no SC decision needed). In 2018, C&S should aim to invite Montenegro to join a C&S call to explore any possible support to re-engage in OGP and avoid being removed from OGP.

Action Items:

1. *SU will continue with enhanced communication and ensure delivery of December letter informing of upcoming inactivity recommendation if they fail to deliver an AP by the deadline of June 28, 2018. The SU will gather addition intel via the SU point person for government support and revert to C&S.*
2. *SU requested Italy to leverage diplomatic channels to approach Montenegrin authorities and gather an update on the process, and possible support.*

e. Response Policy Cases (Values): Azerbaijan

- i. Azerbaijan has an ongoing Response Policy case (Stage Two Actions) due to concerns of constraint space for civil society to operate in the country. It was first designated inactive on May 4, 2016, and the SC agreed to extend its inactive status on June 28, 2017. Per the SC

resolution, Azerbaijan has until September 25, 2018 to address an [updated set of recommendations](#). In 2018, the C&S will need to assess the progress made by the Government of Azerbaijan and submit a recommendation to the full SC regarding their participation.

3. AOG

- a. **2018 big wins:** C&S members suggested to identify overarching objectives and any key decisions that it wants to accomplish as a subcommittee during 2018. The March SC meeting (virtual) would be a great opportunity to share proposed activities with the rest of the SC.
- b. **Rapid Response:** The SU will continue developing the proposal and circulate back with the subcommittee for input.
- c. **IRM refresh:** An update on the process will be provided by IRM Director at the upcoming subcommittee call.
- d. **Civil Society challenges in Latin America:**
 - i. Mexico visit update: The visit report will be published in the following days. Despite repeated attempts, the SU and the Envoys were not able to identify concrete requests for support from the actors on the ground, both from government and civil society.
 - ii. Government of Chile and Maria Baron expressed willingness to support colleagues on the ground where challenges between government and civil society are hindering the OGP process.
- e. **Save-the-Date:**
 - i. Next C&S call to be held on February 22 at 10:00am ET. A calendar invite will follow shortly.
 - ii. Virtual Steering Committee meeting (working-level) will be held on March 20 from 9:00 am - 12:00 pm ET. A save-the-date note will be shared with the full SC followed by a draft agenda in due course.