

Open Government Partnership
Criteria and Standards Subcommittee monthly call summary

Thursday, November 15, 2018

10:00 WASHINGTON / 16:00 ABUJA - ROME - ZAGREB / 15:00 EDINBURGH / 17:00
PRETORIA / 18:00 DAR ES SALAAM

Attendees

- Government of Croatia - Darija Marić
- Government of Italy - Stefano Pizzicannella
- Government of South Africa - Gift Buthelezi; Mesuli Macozoma
- Aidan Eyakuze, Twaweza
- Lucy McTernan, University of York
- Maria Baron, Directorio Legislativo
- Marie Lintzer, Natural Resources Governance Institute (NRGI)
- OGP Support Unit

Apologies

- Government of Nigeria

Call Summary

1. Overview of December SC agenda

The Support Unit presented to C&S an overview of the SC agenda and all of the decisions being tabled for SC approval by the C&S during the December 2018 Steering Committee meeting:

A. Response Policy (RP) cases:

1. Mexico RP case update (non-decisional)
2. Azerbaijan RP case decision (***decision item: AZ participation status in OGP***)

B. Procedural Review cases:

1. Trinidad and Tobago (***decision item: inactivity resolution***)
2. Bosnia and Herzegovina (***decision item: inactivity resolution***)

C. Articles of Governance review (***decision item: approve new AOG***)

2. Update on Mexico Response Policy Case

The Support Unit provided an update to C&S on the Mexico Response Policy case. The incoming government will take office on December 1, 2018 and it is highly likely that the Mexican government will send a delegation to attend the upcoming Steering Committee meeting in December. The new government administration has been in touch with Support Unit and is aware of the Letter of Concern filed by Mexican civil society and is eager to provide a proper response.

3. C&S recommendation on Azerbaijan RP case

Azerbaijan has an ongoing Response Policy (Stage Two Actions) due to concerns of constrained space for civil society to operate in the country. It was first designated inactive on May 4, 2016, and the Steering Committee agreed to extend its inactive status on June 28, 2017 for a period of one year to address a set of update recommendations regarding the registration and funding of NGOs.

The Support Unit proposed three options for C&S to endorse and table to the full SC for final approval in the December 2018 Steering Committee Meeting:

Option 1: The Criteria and Standards subcommittee issues a resolution that:

- A. Formally finalizes the Azerbaijan Response Policy Review;
- B. Makes Azerbaijan's suspension permanent;
- C. Allows for Azerbaijan to renew its participation in OGP, if and when it raise above OGP eligibility, including passing the values check; and
- D. Recommends that the government of Azerbaijan continues to have spaces for dialogue with civil society on open government.

Option 2: The Criteria and Standards subcommittee issues a resolution that:

- A. Formally finalizes the Azerbaijan Response Policy Review;
- B. Makes Azerbaijan's suspension permanent until such a time that the government of Azerbaijan provides evidence of meeting the Response Policy recommendations issued on September 2017, and these are validated by external expert review and approved by the Steering Committee; and
- C. Recommends that the government of Azerbaijan continues to have spaces for dialogue with civil society on open government.

Option 3:¹ Recognizing that although the government of Azerbaijan has not systematically addressed the updated recommendations to enhance civic space, OGP remains as one of the only platforms for civil society and government to engage, and there is willingness and interest from government, members of the OGP Forum, and other national and international civil society actors to continue participating in the initiative. For these reasons, it is the recommendation of the Criteria and Standards subcommittee to issue a resolution that:

¹ **Additional Clarification**

- *If at any point during that year the Criteria and Standards subcommittee determines that the original concerns have been addressed by the government of Azerbaijan, it shall recommend to the full Steering Committee that the country be placed back in active status immediately.*
- *While inactive, Azerbaijan would continue to receive Steering Committee and Support Unit assistance, and the IRM will assess its future action plan.*
- *While inactive, the Government of Azerbaijan would not be eligible to vote in Steering Committee elections, and may only attend OGP events as observers for learning purposes.*
- *While inactive, Azerbaijan's inactivity would be noted on the OGP website and public information materials, where appropriate (e.g., in a list of participating OGP countries).*

- A. Extends the inactivity status of Azerbaijan for a period of 24 months (an action plan cycle), pending the completion of the following prerequisites:
 - i. Develop an OGP action plan through an inclusive process that engages a wide array of actors beyond the OGP Forum, and includes reforms to address the civic space constraints highlighted in the updated recommendations and other domestic priorities (by the August 31 deadline); and
 - ii. As a sign of good faith, requests the appointment of a high-level government representative (Minister level, or above) within the first six months of this resolution.

This blended option would consist of the following: *Azerbaijan's inactivity status will be extended. However, there will be clearly defined milestones that Azerbaijan must meet.*

Action Item:

- The C&S subcommittee reached consensus on combining a recommendation incorporating Option (2) and Option (3), and entrusted the SU to draft this new recommendation that includes specific triggers, clearly defined milestones and deadlines
- If these milestones are not met, then Azerbaijan will be designated as permanently inactive and OGP will disengage until systemic improvements are evident.
- SU will circulate the proposed recommendation for C&S to approve and table to the full Steering Committee for final decision in December 2018. Consensus from the C&S will be checked via email in order to circulate a C&S-endorsed option as part of the pre-meeting SC packet.