

Criteria & Standards Subcommittee
Thursday 20 September 2018 | 10:00 - 11:00 EST
Monthly Call Summary

Attendees:

- Government of Chile: Galvarino Sazo
- Government of Italy: Stefano Pizzicannella
- Government of Romania: Larisa Panait
- Government of South Africa: Mesuli Macozoma
- Maria Baron, Directorio Legislativo
- Robin Hodess, The B-Team
- Suneeta Kaimal, NRGi
- Tur-Od Lkhagvajav, Asia Democracy Network
- OGP Support Unit: Alonso Cerdan, Jaime Mercado, Enrico Campos

Agenda:

- 1. Countries under review update**
 - a. Trinidad and Tobago
 - b. Bosnia and Herzegovina
- 2. Response Policy cases update**
 - a. Azerbaijan
 - b. Mexico
- 3. Values Check for countries not covered by V-Dem data**
- 4. AOB**

Call Summary:

- 1. Countries under review update:**
 - a. Trinidad & Tobago**

Trinidad and Tobago was placed under review in 2016, when the Point of Contact (POC) noted that Trinidad and Tobago would be unable to submit an Action Plan in 2016 and requested to be moved to the 2017 calendar. Minister Marlene McDonald was appointed in March 2018, and after more than 18 months of radio silence, the Support Unit managed to speak for the first time with the POC on May 14th, 2018. He expressed that the Trinidad and Tobago government is willing to re-engage with OGP, but that validation from Minister McDonald is still pending. The POC also confirmed that all previous communications have been received, including the most recent ones which include: 1) a C&S co-chairs letter sent via the Trinidad and Tobago Embassy in Washington DC (April 3, 2018); 2) May 3rd, letter signed by OGP CEO letter addressed to newly appointed Minister McDonald sent via regular mail and email (May 3, 2018) and 3) May 23rd, Invitations to the Georgia Global Summit for the government POC and Minister McDonald (May 23, 2018). The Support Unit offered a country visit to work with the Trinidad and Tobago government

on a plan for re-engagement in OGP, as well as the possibility of arranging a call between OGP C&S co-chairs and the Minister. The POC stated that these proposals would be communicated to Minister McDonald, however no further communication has been received, despite the ongoing Support Unit attempts.

In order to conclude the review process, Trinidad and Tobago must submit its Action Plan by August 31, 2018. If Trinidad and Tobago fails to deliver an Action Plan by this deadline, the C&S will recommend that it be designated as inactive by the Steering Committee during their next meeting.

September 2018 Update

Trinidad and Tobago failed to submit its OGP Action Plan by the August 31 deadline. The Support Unit had a phone conversation with the Trinidad and Tobago POC on September 20. The POC indicated Trinidad and Tobago were aware of the timelines and risks of being designated inactive, and indicated they will begin developing an action plan in 2019. The government of Trinidad and Tobago will deliver a letter to the SU indicating their intent to re-engage in OGP which will be presented to C&S upon receipt.

Action Item - C&S reviewed and endorsed the Support Unit's technical recommendation: *Given that Trinidad and Tobago had acted contrary to OGP Process for three consecutive action plan cycles (2015, 2016, 2017) and failed to deliver an Action Plan by the August 31st deadline, the technical recommendation of the Support Unit is for C&S to recommend inactivity status for Trinidad and Tobago. The C&S recommendation will be tabled for full SC approval at its December 5-6 meeting. The inactivity status would end as soon as the Action Plan is delivered (no later than one year after the inactivity resolution is issued).*

b. Bosnia and Herzegovina

Bosnia and Herzegovina's decision (from late 2016) to participate in OGP mandates that an Advisory Committee for OGP be established to advise and coordinate the promotion of transparency and openness in public administration, and citizen engagement in the design of public policy. The Advisory Committee would also be responsible for the coordination of the development of Bosnia and Herzegovina'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 Central government, Federation of Bosnia-Herzegovina and Brcko District have been signed up to OGP by appointing representatives to the Advisory Committee, 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 Bosnia and Herzegovina with an update on the OGP process in Bosnia and Herzegovina, and indicated that, should the Republika Srpska not sign on to OGP – the only remaining government body to do so – the Council of Ministers of Bosnia and Herzegovina will propose a new solution to carry the OGP process forward.

Following continued support and outreach from the Support Unit and the C&S, the government of the Republika Srpska confirmed the appointment of their representative to the OGP Council. With the OGP Council fully constituted for the first time since joining OGP, the first meeting of the MSF was held on May 29–30, 2018. The first day of the meeting was to constitute the Forum and the second day to start work on co-creation. The second session of the MSF was held on June 21.

In order to conclude the review process, BiH must submit its AP in 2018. If BiH fails to deliver an AP, the C&S will recommend that it be designated as inactive by the Steering Committee during their next meeting.

September 2018 Update

In August 2018, the members of the Advisory Council indicated to the Support Unit that they had gathered proposals from all three levels of government and had aimed to complete the first draft of the Action Plan by September 2018. The government will organize subsequent online consultations and possibly, a few round table discussions. Currently, there is a draft Action Plan completed, however, it is highly unlikely that the Action Plan will be adopted before the October 1 elections. The upcoming elections and possible change of Point of Contact in the BiH government could further delay the action plan from being finalized and adopted.

Action Item - C&S reviewed and endorsed the Support Unit's technical recommendation: *Given that Bosnia and Herzegovina has acted contrary to OGP Process for three consecutive action plan cycles (2015, 2016, 2017) and failed to deliver an Action Plan during the 2018 cycle, the technical recommendation of the Support Unit is for C&S to recommend inactivity status for Bosnia and Herzegovina. The C&S recommendation will be tabled for full SC approval at its December 5–6 meeting. The inactivity status would end as soon as the Action Plan is delivered (no later than one year after the inactivity resolution is issued).*

2. Response Policy cases update:

a. Azerbaijan

On 18 July 2018, representatives of the Criteria and Standards (C&S)

subcommittee and Support Unit (SU) met with the government point of contact of Azerbaijan, Kamal Jafarov. The meeting was held to obtain an update on the progress made by the government of Azerbaijan regarding the recommendations set forth by the OGP Steering Committee (SC) to ameliorate the civic space constraints in the country, which originally triggered a [Response Policy](#) case in 2016. A summary of the meeting was circulated with the C&S along with the September 20 call agenda..

The timeline and process for the Steering Committee to reach a decision on Azerbaijan's participation status in OGP is as follows:

- By 25 September 2018, the government on Azerbaijan must provide a final report on the progress made on the recommendations of the inactivity decisions, and any comments for the C&S to consider when drafting its report.
- The Support Unit will draft a report based on reports and comments from government and civil society, as well as updates provided by international partners and experts working on Azerbaijan.
- Based on the report, the C&S will provide a recommendation on Azerbaijan's participation in OGP for the full SC to adopt at its December 2018 meeting. The Steering Committee will then opt to adopt, reject, or amend such recommendation.

Non-decisional item:

- The Support Unit acknowledged that a separate meeting with Azeri civil society representatives was held in Tbilisi on the sidelines of the global summit. The C&S was represented by the government of Italy and Tur-Od Lkhagvajav on the civil society side. The Azeri civil society representatives indicated that there is strong commitment in Azerbaijan from civil society to continue participating in OGP, however, in their view there has not been concrete progress on the SC recommendations for the government of Azerbaijan.
- C&S member Tur-Od Lkhagvajav informed that he will meet bilaterally with civil society representatives during a Publish What You Pay Coalition event taking place in Baku on September 26-27, and requested any input from the broader C&S to be provided bilaterally prior to this meeting.

b. Mexico

After an initial review of the concern (Section III.A.2 of the Response Policy), the SU has concluded that it meets the eligibility criteria to trigger a Response Policy inquiry. The initial review does not assess the merits of the concern itself, or lack thereof. As a next step, the C&S chairs will lead a review of the merits of the concern in coordination with the Support Unit.

The proposed timeline and process for the Mexico RP case is as follows:

- 20 September 2018: Launch call for proposals (CFP) to hire a consultant to assess the veracity of the information provided in the Concern.
- 12 October 2018: Deadline for candidates respond to CFP.
- 22 October 2018: C&S chairs select the expert to review the Mexico Response Policy case.
- 1 December 2018: Deadline for current Mexican government to send formal response.
- 6 December 2018: SC meeting: Update provided to SC by C&S and the incoming Mexican Government.
- 1 February 2019: Deadline for the new Mexican government to send their formal response.
- 1 February 2019: Expert(s) finalize the report about the merits of the concern and finalize the review report.
- 15 March 2019: C&S chairs prepare review report base on external research of merits and responses from the Government of Mexico and presents to C&S for adoption.
- 26 April 2019: C&S deliberation period

Action Item - C&S reviewed and endorsed the proposed timeline to address Mexico's Response Policy case.

3. **Values Check for countries not covered by V-Dem data:** The Support Unit presented options for the C&S to assess values check in countries that are not covered by V-Dem data, but meet the core eligibility criteria. The most feasible option is to utilize a second third-party set of indicators (e.g. Civicus Monitor) at the discretion of the C&S. This option would require SC approval and be reflected in the Articles of Governance. .

Action Item - The C&S was receptive to exploring this option. As a next step, the Support Unit will develop a more concrete proposal to be presented in the next C&S call.

4. **AOB**

- a. **Remaining calls for C&S** - October 18, November 15, December 4 (in person)
- b. **New subcommittee composition update:** the new composition of subcommittees is yet to be finalized. Members rotating will be approached bilaterally before a public announcement is made by the GL subcommittee.
- c. **AOG update:** the Support Unit is currently working with a legal consultant to develop a draft of the new AOG. The revised version will be presented to the C&S in advance of bringing it to the SC for approval at its December 2018 meeting.

- d. **Rapid Response Update:** The Support Unit integrated comments from the Tbilisi SC meeting in a revised version that was shared with the SC for approval on no-objection basis. No further comments or objections were received, therefore the RRM is now considered approved and live. As a next step, a short blog post will be published to launch the RRM. The RRM can be found [here](#).