Open Government Partnership

Criteria and Standards Subcommittee Monthly Call

12 December 2019

Attendees

- Government of Italy: Stefano Pizzicannella
- Government of Georgia: Ketevan Tsanava
- Aidan Eyakuze, Twaweza
- Delia Ferreira Rubio, Transparency International
- Lucy McTernan, University of York
- Elisa Peter, Publish What You Pay
- **Apologies:** Government of France, Government of Nigeria

Call Summary

I. Update on Mexico Response Policy Case: During its 29 October 2019 subcommittee call, C&S endorsed the resolution to close the Response Policy case for Mexico on the grounds that the issues that led to the filing of the Response Policy case were being addressed domestically. However, that same day, a story broke about Whatsapp filing a complaint in federal court against the NSO Group, the company that was responsible for the initial attacks that led to the Response Policy case, for cyberattacks that took place in May 2019. Mexico was among the countries that was most severely affected by the cyberattack (see report here).

In light of this, on 13 November 2019, the SU requested a 30-day embargo on the approved resolution to close the Mexico Response Policy case while it could be adjusted to reflect the recent developments. Since then, the OGP Support Unit (SU) has been in constant communications with Mexican stakeholders to address how this development fits into the current Response Policy case. After consulting with Mexican civil society, the Support Unit presented a revised resolution for C&S approval (see approved text here).

Decision Item: C&S endorsed the revised resolution to close the Mexico Response Policy case. As next steps the OGP Support Unit will inform the Government of Mexico of the closing of the Response Policy case and will continue to keep C&S apprised on the implementation of the specific commitment to address illegal digital surveillance.

II. Update on Azerbaijan Response Policy Case [non-decisional]

On 5 December 2018, the OGP Steering Committee unanimously endorsed a resolution to extend the suspension status of Azerbaijan for a full action plan cycle, contingent on the timely completion of concrete milestones by an established timeline (see here). The Government complied with the milestones up to date.

However, in late November 2019 the Government of Azerbaijan requested an extension of the deadline to submit the action plan due to conduct further public consultations and navigate the significant changes unfolding in the political context, including a shift of power (referred to as positive for the open government agenda by Azeri stakeholders), and the need to further discuss with state bodies to ensure that commitments in other thematic areas are in line with laws and regulations.

C&S and the Support Unit discussed the potential consequences of extending the deadline for Azerbaijan to submit its action plan or to withdraw it from OGP for not meeting the deadlines outlined in the December 2018 resolution. Any decision that would change the agreed upon milestones would need to be presented by the C&S for formal endorsement of the full Steering Committee.

Following conversations with the government point of contact through the month of December, it was indicated that the government they will submit an action plan by the deadline, pending final approval. If so, Azerbaijan will continue to comply with the resolution. The Support Unit will continue to update C&S ahead of its January 2020 call.

III. Update on Procedural Review Cases

A. Pakistan: The Support Unit provided C&S with an overview and update on the Pakistan Procedural Review case. The Government of Pakistan is currently under Procedural Review due to acting contrary to the OGP process for failing to deliver an action plan for two consecutive action plan cycles (2017, 2018). The Government of Pakistan risks being designated inactive if it acts contrary to the OGP process for a third consecutive cycle if it fails to deliver its action plan by 31 December 2019.

Decision Item: C&S endorsed the Support Unit recommendation on the participation status of Pakistan in OGP. If Pakistan fails to engage in the OGP process by December 31, the Support Unit will work on preparing the inactivity resolution for endorsement by the full Steering Committee at the February 2020 working-level meeting in Berlin.

B. Jamaica: The Support Unit provided C&S with an overview and update on the Jamaica Procedural Review case. The Government of Jamaica is currently under Procedural Review due to acting contrary to the OGP process for failing to deliver an action plan for two consecutive action plan cycles (2017, 2018). The Government of Jamaica risks being designated inactive if it acts contrary to the OGP process for a third consecutive cycle if it fails to deliver its action plan by 31 December 2019.

Decision Item: C&S endorsed the Support Unit recommendation on the participation status of Jamaica in OGP. If Jamaica fails to engage in the OGP process by December 31, the Support Unit will work on preparing the inactivity

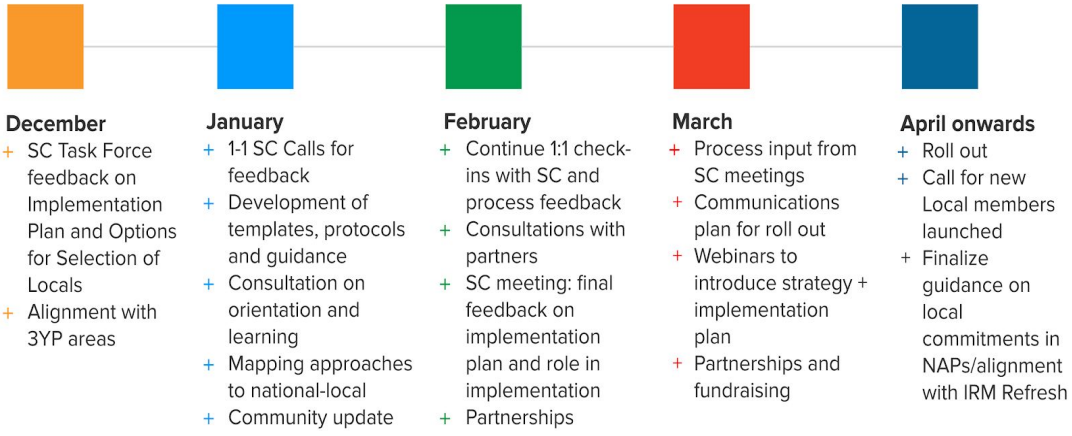
resolution for endorsement by the full Steering Committee at the February 2020 working-level meeting in Berlin..

IV. OGP Programmatic Updates

A. Update on OGP Local Strategy: The Support Unit shared with C&S the main points received from its design phase consultations. These points were:

1. Maintain flexibility in the approach on both Local members and national-local integration;
2. Focus on the leadership potential and ambition for local members;
3. Encourage alignment with OGP's strategic and thematic priorities;
4. Avoid silos by exploring connections across different paths to promote open local government;
5. Work with partners and the community on knowledge and learning; and
6. Manage the risks of open-washing.

The timeline of next steps are illustrated in the graphic below.



B. Update on IRM Refresh: The Independent Reporting Mechanism shared with C&S an overview of the feedback received from its consultations across multiple stakeholder groups. The main takeaways from the consultations were:

1. **Validation of purpose statement:** IRM enables accountability and informs learning.
2. IRM can flexibilize times and formats to share findings that maximize value and uptake. Not all in a report.
3. Tracking commitment outputs is still needed but to be more impactful IRM must move toward measuring outcomes.
4. More real-time or ongoing monitoring is needed.

The timeline of next steps are illustrated in the graphic below.

December
+ IEP/IRM design working session.

December-January
+ 1:1 calls with Steering Committee for more in depth feedback

January
+ Continue 1:1 check- ins with SC and Support Unit (SU).
+ SU management team retreat to finalize refresh proposal.

February
+ Webinars for final questions, comments and feedback.
+ Steering Committee final discussion and endorsement of IRM Refresh.

March onwards
+ Roll out and implementat ion of refresh.