

Independent Reporting Mechanism (IRM): Mongolia End-of-Term Report 2016-2018

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Overview: Mongolia

Independent Reporting Mechanism (IRM) End-of-Term Report (2016-2018)

Mongolia's second action plan aimed to address a number of open government priorities in the country, such as transparency of media ownership and political finance, disclosure of beneficial ownership and contracts in the extractives sector, and improving the Glass Account (budget transparency) system. At the end of term, implementation of commitments was low and can be attributed to political transitions, limited public consultation, and in some cases, inaction from responsible institutions. To improve the next action plan, Mongolia could share more public information on open government activities, reinvigorate the working group to monitor implementation, raise awareness and include new government actors in the OGP process, specify intended outcomes for commitments, and place greater emphasis on improving civic engagement and public accountability in the extractives sector.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarizes the results of the second year of implementation of Mongolia's second action plan, from October 2017 to June 2018 and includes some relevant developments up to August 2018.

Mongolia developed its second action plan between February and June 2016. The Cabinet Secretariat coordinates the OGP process and commitments in Mongolia. The OGP National Council consists of government ministries and some civil society organizations (CSOs). While civil society was actively involved in the development of the action plan, participation during implementation was limited to specific civil society groups. Although civil society members were represented in the OGP working group, this group was largely inactive during action plan implementation. Towards the end of the implementation period, a group of CSOs convened a public consultation on the progress of implementation. A number of major political changes and regular Cabinet re-shuffling took place during implementation of the second action plan, which contributed to shifting the Cabinet Secretariat's time and attention away from OGP activities. The Cabinet Secretariat did not submit an end-of-term self-assessment report.

Table 1: At a Glance		
	Mid-term	End of term
Number of Commitments	13	13
Level of Completion		
Completed	0	3
Substantial	3	1
Limited	6	9
Not Started	4	0
Number of Commitments with...		
Clear Relevance to OGP Values	13	13
Transformative Potential Impact	3	3
Substantial or Complete Implementation	3	4
All Three (👍)	1	1
Did It Open Government?		
<i>Major</i>	3	
<i>Outstanding</i>	0	
Moving Forward		
Number of Commitments Carried Over to Next Action Plan	4	

Public consultations, which included representatives from government ministries, civil society, the private sector, international organizations, and the media, were held to co-create the third action plan in the second half of 2018. However, as the Government of Mongolia did not submit its action plan by 1 January 2019, four months after the deadline of 31 August 2018, the country had acted contrary to OGP process. As a result of this delay, Mongolia shifted from the “even year” to the “odd year” cohort of OGP participants. Mongolia’s third action plan was approved on 31 January 2019 by the Cabinet Secretariat. It includes 13 commitments, covering public services, budget and finance, natural resources management, and other areas. Of the 13 commitments, four commitments are continued from the second action plan, while nine commitments are newly initiated.

Consultation with Civil Society during Implementation

Countries participating in OGP follow a process for consultation during development and implementation of their national action plan. Following the approval of Mongolia’s second action plan, the National Council established a new working group to serve as a multi-stakeholder consultation forum to monitor implementation. However, this new working group, with broader participation, was mostly inactive during the implementation of the action plan. It should be noted that the parliamentary elections of 2016 and presidential elections of 2017, and subsequent widespread bureaucratic changes, diverted significant government attention away from OGP activities.

Towards the end of the implementation period, on 23 May 2018, a group of CSOs, led by Women for Progress, held a public consultation to discuss implementation of the commitments. Around 35 civil society and government participants attended. Representatives of CSOs who support implementation of commitments gave presentations on the progress and participants gave feedback. Representatives of the Cabinet Secretariat also attended the consultation. Subsequently, on the initiative of Women for Progress, civil society conducted monitoring on the implementation status of the second action plan in June 2018. The government did not take any action based on the feedback and monitoring.

Table 2: Consultation during Implementation

Regular Multi-stakeholder Forum	Midterm	End of Term
1. Did a forum exist?	Yes	Yes
2. Did it meet regularly?	No	No

Table 3: Level of Public Influence during Implementation

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.¹ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborative.”

Level of Public Influence during Implementation of Action Plan		Midterm	End of Term
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.		✓
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation	✓	

¹ “IAP2’s Public Participation Spectrum”, International Association for Public Participation, 2014,
http://www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹ One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Starred commitments will have “medium” or “high” specificity. A commitment must lay out clearly defined activities and steps to make a judgment about its potential impact.
- The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a “transformative” potential impact if completely implemented.²
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

In the midterm report, Mongolia’s action plan contained one starred commitment. At the end of term, based on the changes in the level of completion, Mongolia’s action plan continued to contain one starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for Mongolia, see the OGP Explorer at www.opengovpartnership.org/explorer.

About “Did It Open Government?”

To capture changes in government practice, the IRM introduced a new variable “Did It Open Government?” in end-of-term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The “Did It Open Government” variable attempts to capture these subtleties.

The “Did It Open Government?” variable assesses changes in government practice using the following spectrum:

- Worsened: Government openness worsens as a result of the commitment.
- Did not change: No changes in government practice.
- Marginal: Some change, but minor in terms of its effect on level of openness.
- Major: A step forward for government openness in the relevant policy area, but remains limited in scope or scale.
- Outstanding: A reform that has transformed “business as usual” in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed

in government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the timeframe of the report.

¹ IRM Procedures Manual, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

² The International Experts Panel changed this criterion in 2015.

Commitment Implementation

General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarize the completion level at the end of term and progress on the “Did It Open Government?” metric. For commitments that were complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the ‘Did It Open Government?’ variable. For further details on these commitments, please see the Mongolia IRM progress report (2016-2017).

Mongolia’s second action plan includes 13 commitments within the framework of four of the five OGP grand challenges, namely; improving government services, improving government integrity, effective management of government resources, and improving corporate governance and feedback mechanisms. Several initiatives were continuations from the first action plan, such as Commitment 1 (11-11 Center), Commitment 7 (transparency in foreign loans), and Commitment 9 (Glass Account system).

Table 4: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion	Midterm		Did It Open Government?						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative		Not Started	Limited		Substantial	Completed	Worsened	Did Not Change	Marginal	Major
1. Government 11-11 Call Center		✓			✓	✓	✓	✓		✓			✓							✓		
2. Social accountability in education and health		✓			✓	✓	✓					✓			✓						✓	
3. Civic engagement in decision making		✓			✓	✓							✓							✓		
4. Transparency in political party financing		✓			✓	✓				✓			✓	✓							✓	
5. Create favorable media environment			✓		✓	✓						✓	✓	✓						✓		
		✓				✓				✓			✓							✓		

6. National Program for Combating Corruption															✓					
7. Foreign assistance transparency		✓			✓					✓			✓							✓
8. Online value-added tax (VAT) registration			✓		✓	✓				✓					✓					✓
9. Glass Account system			✓		✓						✓		✓							✓
10. Public procurement transparency			✓		✓						✓		✓							✓
11. Public resource contract transparency			✓		✓	✓					✓				✓					✓
12. Beneficial ownership transparency			✓		✓							✓		✓				✓		
13. Transparency of state-owned enterprises				✓	✓						✓			✓						✓

I. Mobile Application for Government 11-11 center to receive citizen feedback and requests

Commitment Text:

Introduce a mobile application for the Government 11-11 Center and advocate and mobilize its usage by promoting the application to the public.

Status quo or problem addressed:

The government 11:11 center has been operating and receiving feedback from the public since 2013. Thus far it has been a successful project and received a “Star” rating in 2013 for the implementation of the NPA of the OGP of Mongolia. The 11:11 Call Centre responds to complaints and feedback from citizens, but currently is unable to take action on these complaints and improve government service. Therefore, there is a need to establish a reporting system for citizens to rate provision, quality, and transparency of services provided by the 11:11 Call Centre and make reports by the service providers using modern technological innovations.

Main Objective:

The introduction of the mobile application for the 11-11 Call Centre and Service Centre of the government. As a result, the government service will become more transparent and efficient, and the quality of service will be improved.

Milestones:

- 1.1. Audit the last two years’ activities of the Government 11-11 Center.*
- 1.2. Identify technological solutions and alternatives efficiently to deliver services and outcomes of the Government 11-11 center for the public.*
- 1.3. Prepare and develop contents and technology to introduce the special application for the Government 11-11 center.*
- 1.4. Test the application for the Government 11- 11 center.*
- 1.5. Update the application for the Government 11-11 center.*
- 1.6. Announce service launch of the mobile application for Government 11-11 center.*
- 1.7. Provide and promote the user instructions of the mobile application for the Government 11- 11 center for the public.*
- 1.8. Sustain the operation of the services provided by the mobile application for the Government 11-11 center for the public.*
- 1.9. Conduct an evaluation and develop concluding observations of the activities of the application for the Government 11-11 center through an independent NGO and disseminate the findings to the public.*

Responsible institution: Cabinet Secretariat of the Government of Mongolia

Supporting institutions: Government authorities and local municipalities, all ministries and agencies, Governors Office of the Capital city, *aimags*, *soums*, and districts, Democracy Education Centre NGO, Partnership for Social Accountability, other relevant CSOs.

Start date: 30 June 2016

End date: 30 June 2018

Editorial Note: This is an abridged version of the commitment text. For the full commitment text from the Mongolian National Action Plan, see: https://www.opengovpartnership.org/wp-content/uploads/2017/05/Mongolia-NAP2-Final-Eng_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
I. Overall		✓			✓	✓	✓	✓		✓			✓						✓			

Commitment Aim

This commitment aimed to improve the transparency of government services by introducing a mobile application for the government’s 11-11 Call Center and Service Center. The 11-11 Center was established to register complaints and feedback on government services from citizens and to forward them to the relevant government body for further action. The center provides complete access to feedback but does not have a mechanism to compel the government to respond or for citizens to track a response. In addition, the commitment planned to carry out an independent civil society evaluation of the application’s performance, as well as an audit of the past two years, among other general improvements to the usability.

Status

Midterm: Not Started

This commitment was not started by the end of the first year of the action plan. The last update for the mobile application was in June 2015, before the start of the action plan.¹ While the 11-11 Center continued to register feedback, the center’s website had not changed since the previous action plan period in terms of services provided.²

For more information, please see the IRM 2016-2017 Progress Report.³

End of term: Limited

Following the 2016 parliamentary elections, the new government decided to close the 11-11 Center and cease its activities.⁴ However, the government later decided to recommence operations, and the center continued to receive citizen suggestions and complaints. Complaints from citizens are regularly published on the website (<http://www.11-11.mn/>) as text and audio files. Despite the continuation of operations, the government did not take any new steps towards the completion of milestones under this commitment.

The government did not complete an audit of the 11-11 Center (Milestone 1.1); did not provide more detailed guidance on how to use the 11-11 Center (Milestone 1.7); and did not conduct an

evaluation of the mobile application (Milestone 1.9). Although the government created a mobile application for the Center (Milestones 1.2-1.5), this was completed prior to the introduction of this commitment. The mobile application has not been updated since 2015⁵ (Milestones 1.7 and 1.8).

However, independent of government, civil society helped advance components associated with this commitment. The Democracy Education Center (DEMO), an independent Mongolian CSO, took the initiative to develop a parallel mobile application on municipal government service delivery in the capital city, Ulaanbaatar. According to civil society, 80 percent⁶ of complaints received by the 11-11 Center came from Ulaanbaatar.

DEMO presented an agenda to the Capital City Governor's Office and raised funding from the Australian Government's Direct Aid Program. It also developed the "Check My Service" mobile application that connects to the Municipality Public Service Center's server with the support of the Capital City Governor's Office.⁷ On 31 January 2018, the official opening ceremony of the "Check My Service" application was held in the Municipality Public Service Center, with the participation of 100 representatives from the capital city management, local administration, private sector, media, and civil society.⁸

From January to June 2018, DEMO disseminated a short video presentation and promotional materials on how to use the "Check My Service" application to television channels, social networks⁹ and promoted it at public places. DEMO also conducted independent monitoring by having monthly reports of citizens' complaints and feedback sent through the "Check My Service" application from the Municipality Public Service Center. DEMO also developed a user guide for the application, which explains how to use it to follow government responses to public feedback. Complaints submitted to the application are classified according to the status of response from government organizations, such as new, under consideration, and responded.

The role of the municipal government in the implementation of this application is to assist in sharing complaints with relevant government authorities and notifying them of the requirement to respond. Although this was not led by government, the development and implementation of this application, with the support of the municipal government, represents limited completion of Milestone 1.2.

Did It Open Government?

Access to Information: Marginal

Civic Participation: Marginal

Public Accountability: Marginal

During the first year after its launch, the 'Check My Services' application received about 1,000 complaints from citizens. Relevant government authorities are required to act on these complaints, and provide clear responses with information on how they solved complaints assigned to them.

Although the mobile application for the 11-11 Center was not developed through this commitment, the development and implementation of the "Check My Service" application enables citizens to provide feedback and receive responses on government services. According to the Facebook page of the application, around 60-70 percent of complaints were addressed and solved by responsible organizations between January 2018 and January 2019.¹⁰ This indicates marginal improvements in open government in the areas of access to information, civic participation, and public accountability.

Carried Forward?

The commitment is not included in Mongolia's third action plan.

¹ The 11-11 Center's application on the iTunes App Store, where the latest version is from 23 June 2015, <https://itunes.apple.com/us/app/11-11-t-v/id579541331?ls=1&mt=8>

² The IRM compared the current website, www.11-11.mn, with earlier archived versions of the website, such as versions from September 2016 (<https://bit.ly/2jHNgye>) and from June 2017 (<https://bit.ly/2K3GloP>).

³ Independent Reporting Mechanism, Mongolia Progress Report 2016-2017, <https://bit.ly/3fy1qM>

⁴ The 11-11 center will be closed down, <http://www.control.mn/i/4460#.XBtTmPZuJPZ> (in Mongolian)

⁵ The 11-11 Center's application on the iTunes App Store, where the latest version is from 23 June 2015, <https://itunes.apple.com/us/app/11-11-t-v/id579541331?ls=1&mt=8>

⁶ CSO Monitoring report on Mongolia's 2nd OGP national action plan by CSOs (not available online).

⁷ Open Government Awards 2016, Making transparency count, https://www.opengovpartnership.org/wp-content/uploads/2001/01/OGP_Awards-Booklet_2016_ENG.pdf

⁸ Eagle MN, Opening ceremony of the Check My Service application (in Mongolian), <http://eagle.mn/r/40168>

⁹ How to use the Check My Service application, www.facebook.com/CheckMyService

¹⁰ Ibid.

★ 2. Improve quality of and access to education and health services

Commitment Text:

Improve contents of the information about services provided by the two sectors and increase number of dissemination channels to the public. Implement and support initiatives on social accountability and constructive engagements between citizens and service providers.

Status quo or problem addressed:

Although quality and access to education and health sectors have been improved in the last few years, due to lack of adequate resources these two sectors could not be developed in a required level. Therefore, there is a need to develop new ways to improve access to and quality of the primary services provided by the government, in the health and education sectors especially to vulnerable groups and poor citizens without much additional financial resources. Social accountability, and constructive engagement, and partnership between service providers and citizens, are possible solutions to meet this need.

Milestones:

2.1. Include local stakeholder identified priorities of the two sectors in the local development program through engagement between local SA champions, and local governors and administrations.

2.2. Implement social accountability initiatives to improve engagement between the parties for improving quality of and access to education and health services in aimags and districts.

2.3. Improve internal and external information systems and encourage feedback mechanisms and fostering mutual accountability and constructive engagement of both sides (services providers and service users/citizens) in selected aimags and districts as demonstrations for scaling up.

Responsible institutions: Central Government Authority responsible for education and health.

Supporting institutions: The Social Development Divisions of the Governor's offices in addition to education and health service providers in selected aimags and districts. National and rural/local NGOs for social accountability, Project "Mainstreaming Social Accountability in Mongolia" (MASAM), which is funded with the contributions from the Swiss Agency for Development and Cooperation (SDC) and the World Bank.

Start date: 30 June 2016

End date: 30 June 2018

Editorial Note: This is an abridged version of the commitment text. For the full commitment text from the Mongolian National Action Plan, see: https://www.opengovpartnership.org/wp-content/uploads/2017/05/Mongolia-NAP2-Final-Eng_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Overall		✓			✓	✓	✓				✓				✓						✓

Commitment Aim

Given the persistent problems in both the health and education sectors, this commitment sought to 1) improve information content and dissemination for both sectors in aimags (provinces), and districts of Ulaanbaatar, 2) include stakeholder priorities in local development of these two sectors, and 3) implement feedback mechanisms and public engagement with service providers. This commitment was part of the World Bank and Swiss Development Agency (SDC)'s "Mainstreaming Social Accountability in Mongolia" (MASAM) project.

Status

Midterm: Substantial

The World Bank and SDC created a website www.irgen-tur.mn ("citizen-state" in Mongolian) with information on the project and resources on social accountability initiatives.¹ Development of the sub-projects took place during capacity-building workshops held in each participating aimag. The sub-projects in general aimed to gather feedback on access to and quality of services and service provision in the health and education sectors (Milestone 2.3).

The World Bank's independent assessment report indicates that all 10 sub-projects concluded implementation around September 2017. The report found two sub-projects to be particularly successful and thus highly replicable and ready to be scaled up: public participatory schools in Khovd aimag and improving the tuberculosis ward services in the Selenge aimag. The World Bank's 2017 annual progress report on the MASAM project notes that a memorandum of understanding was signed between the World Bank and the Municipality of Ulaanbaatar on 27 March 2017, "to increase citizens' access to the decision-making process and improve quality of services through the implementation of sub-projects in Bayanzurkh, Chingeltei and Songinokhairkhan districts, which have high levels of poverty incidence."² For more information, please see the IRM 2016-2017 Progress Report.³

End of term: Completed

The main outputs of the MASAM project during the second year of action plan implementation are:

- Improved technical and organizational capacities of CSOs to implement social accountability projects with poor and marginalized groups in urban and rural areas (Milestone 2.2).
- Targeted CSO networks became more effective in the application of social accountability tools and processes, including evidence-based advocacy. For instance, four NGOs' external

evaluation findings have fed into the Municipality of Ulaanbaatar City's decisions to improve health and education policy implementation. The NGOs reported that the use of this tool was a result of MASAM's technical capacity and coaching support. The aimag administrations have considered the survey findings and responded positively (Milestone 2.2).

- Incentive systems are now in place to increase the commitment of social accountability stakeholders to foster inclusion of poor and marginalized groups (Milestone 2.2).
- Strengthened capacity of government agencies and service providers to track and use CSO/citizen feedback/complaints for improving quality of services (Milestone 2.3).
- A number of joint problem-solving activities were formalized between CSOs, local government, and local services providers, with the intention of providing increased citizen access to public resource management issues (Milestone 2.1). For instance, the Gobi-Altai aimag implemented the "Good school" model, to increase citizen participation and social accountability in local education. As part of this sub-project, the local CSOs, led by Altai Swiss NGO, carried out school budget monitoring in four schools (two aimag center schools and two rural soum schools). As a follow-up, the local CSOs in cooperation with the Aimag Governor's Office and the Aimag Education Department held a public hearing and openly discussed the school budget and human resource issues that emerged through CSO monitoring. This public hearing was the first event on local budget transparency in the aimag since the adoption of the Public Hearing Law in 2015.⁴
- Information relevant to decision making in both sectors was being disclosed by local services providers, line ministries, and relevant government agencies (Milestone 2.1).
- Lessons for effective implementation and sustainability were disseminated to government, CSOs, and other non-state actors (Milestone 2.3).⁵

Similar to the support on policy evaluation, pilot citizen satisfaction surveys were carried out by local CSOs in two pilot aimags (Bulgan and Darkhan-Uul) in the last quarter of 2017. At the request of the Cabinet Secretariat, the MASAM project facilitated online training sessions on citizen satisfaction survey methodology for 200 civil servants and local CSOs in 21 aimags. A review of their reflections and experiences with the methodology took place in the first quarter of 2018. Following these capacity-building activities, 175 (58 percent female) local and government officials enhanced their knowledge on the participatory monitoring approach and the application of citizen satisfaction survey methodology through training provided by MASAM in Dornod aimag and Ulaanbaatar city.⁶

More than 140 representatives from the education departments of Ulaanbaatar city districts, as well as directors and principals of secondary schools, gathered on 11 June 2018 to discuss the findings of an evaluation of policies for secondary education. Discussion topics ranged from the school environment and extra-curricular activities of students to the prevention of noncommunicable diseases caused by unhealthy lifestyles (Milestone 2.2. and Milestone 2.3). The evaluations were conducted for the first time by CSOs, as part of the MASAM project.⁷

Some MASAM sub-projects created or strengthened opportunities for citizens to participate in decision making (Milestone 2.2). For example, Uvs aimag continued the participatory procurement planning and monitoring model for purchasing medicines and equipment in 2018. Due to open and transparent procurement practice created by the local CSO network and the aimag health department, stakeholders estimate that 55 million Mongolian Tughrik (Mongolian national currency, MNT) in savings (planned vs. awarded amount) was generated from the local procurement budget in 2018. Healthcare workers and citizens also note that the quality of medicines and medical supplies improved.

In Dornod, the local CSO network has continued to develop the service improvement action plan together with the aimag governor's office and health department in 2018. The service improvement budget proposal (to purchase urology equipment for the aimag general hospital) is pending for local budget deliberation. Also, as a result of CSOs' policy advocacy, MNT 50 million was allocated to finance the public health campaign and diagnosis related to sexually transmitted diseases.

A sub-project in Govisumber aimag created opportunities for the public to hold government accountable, through the implementation of the Ministry of Health's (MoH) regulation on ethical committees. The work of the local ethical committee has resulted in behavioral changes of medical staff and citizens. According to project reports, despite a lack of budget and support from hospital management, the committee—85 percent of whom are youth volunteers—managed to resolve citizens' complaints and carried out awareness-raising activities to create shared values (customer-oriented service) among hospital staff. The presence of an ethical committee reduced tension and internal conflicts among employees. MoH recognized this practice as one of the best approaches to healthcare management in the country.⁸

Did It Open Government?
Access to Information: Marginal
Civic Participation: Major
Public Accountability: Marginal

The commitment has resulted in marginal improvement of the disclosure of information, including in the area of procurement transparency. In Dornod aimag, officials helped to enhance public awareness on the lack of health facilities and public health issues such as men's health and sexually transmitted diseases. Also, as a response to citizen feedback, the aimag governor's office and health department, together with CSOs, have carried out public health information sessions for more than 1,000 people.⁹

More notably, the commitment has led to a major improvement in civic participation, with national NGOs leveraging MASAM support to build capacity for social accountability at the local level. According to project reports, government counterparts in some provinces started to view NGOs and citizens as critical partners in decision making and collaborative problem solving. The Ministry of Education, Culture, Sciences, and Sports (MECSS) also established a working group to formulate sector-specific policy objectives to improve education services, with a focus on the inclusion of citizens. This drew on experiences from the participatory school model in Dornod aimag. The government counterparts also invited local CSOs to take part in a gender sub-program formulation and consultation process.¹⁰

Although sub-projects such as the introduction of ethical committees in healthcare institutions, and the strengthening of government capacity to respond to citizen feedback, created new opportunities for a marginal increase in public accountability, the commitment did not result in the introduction of a clear public-facing mechanism for citizens to hold government accountable for decisions. The commitment is therefore limited in scope in this regard.

Carried Forward?

The commitment is not included in Mongolia's third action plan.

¹ Citizens - State website (in English), <http://www.irgen-tur.mn/en>

² World Bank, Mainstreaming Social Accountability in Mongolia MASAM, Annual Progress Report 2017, 19 September 2017, p. 17, <http://documents.worldbank.org/curated/en/271441519204492755/Mainstreaming-social-accountability-in-Mongolia-MASAM-project-independent-assessment-of-sub-project-implementation>

³ Independent Reporting Mechanism, Mongolia Progress Report 2016-2017, <https://bit.ly/3fjy1qM>

⁴ Social accountability initiative in Gobi-Altai aimag (in Mongolian), <http://www.irgen-tur.mn/en/social-accountability-initiative-gobi-altai-aimag>

⁵ MASAM Annual Progress Report 2018, Period: September 1, 2017 to July 31, 2018.

⁶ Ibid.

⁷ Civil society organizations present findings of education policy evaluations, <http://www.irgen-tur.mn/mn/civil-society-organizations-present-findings-education-policy-evaluations>

⁸ MASAM Annual Progress Report 2018, Period: September 1, 2017 to July 31, 2018.

⁹ Ibid.

¹⁰ Ibid.

3. Civic engagement in decision-making

Commitment Text:

Promote and advocate the rights of public engagement reflected in these legislations¹ to the general public and foster justice by enabling the public to implement their rights and obligations and actively engage and participate in the decisions concerning them.

Status quo or problem addressed:

The Mongolia Government has adopted legislation to ensure the engagement of the public in policy and decision-making processes. These pieces of legislation are the Law on Development Policies and Planning, the Law on Public Hearing, the General Law on Governance and the Law on Legislations. Thus, for these documents to be effective, there is a necessity to increase and mobilize public engagement in the implementation of these legislations.

Milestones:

3.1. Provide training and advocacy on a broad scale on how to engage and provide feedback in the decision-making processes for decisions that could affect the legal interests and rights of the individual and the public.

3.2. Government authorities and governors shall present decisions that could impact the interests of the public to the public in a transparent and accessible manner with sufficient time for feedback.

3.3. Evaluate the level of public engagement in the decisions by government authorities and governors that could impact public interest.

Responsible institutions: Central Government Authority responsible for Justice, Head of Legal Reform Policy Department

Supporting institutions: Government organizations of all levels, Open Society Forum, MNB-“Mongolian News” Channel National Broadcaster (MNB, a non-profit entity responsible for the “Mongolia News Channel”), NGOs work with Monitoring and Evaluation and Policy Development Mongolian Association of Journalists, Globe International

Start date: 30 June 2016

End date: 30 June 2018

Editorial Note: This is an abridged version of the commitment text. For the full commitment text from the Mongolian National Action Plan, see: https://www.opengovpartnership.org/wp-content/uploads/2017/05/Mongolia-NAP2-Final-Eng_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
3. Overall		✓			✓	✓				✓			✓					✓				

Commitment Aim

This commitment sets out to improve public participation by ensuring implementation of various laws on the engagement of the public in political decision-making processes. The commitment calls for training and advocacy on how to provide feedback in decision-making processes, the presentation of decisions to the public in a transparent and accessible manner with sufficient time for feedback, and an evaluation of the level of public engagement in government decision making.

Status

Midterm: Not started

This commitment did not start by the midterm. Between June and September 2017, parliament held country-wide consultations to discuss draft amendments to the Mongolian Constitution, including an option for online participation.² However, it is unclear if these consultations were a result of this commitment.

End of term: Limited

During the second year of the action plan, several government ministries and CSOs held a series of workshops and consultations related to this commitment's objective. For instance, the Ministry of Justice and Hanns-Seidel Foundation (Mongolia) jointly organized training workshops on the General Law of Governance for 3,000 public sector employees in 2016-2017 (Milestone 3.1). Similarly, the Open Society Forum (OSF) organized training workshops for citizens on the Law on Legislations, the General Law on Governance, and the Law on Public Hearing. More than 100 representatives from 70 CSOs across 16 aimags and Ulaanbaatar city participated in these workshops.³

OSF also developed and disseminated brochures on the Law on Public Hearing.⁴ The four-page brochure included information on the legal basis, conditions, sequences, and the rights of participants. However, the state authorities did not organize public hearings on the Law during the implementation period of the second action plan. Instead, the first parliamentary public hearing was organized on 30 January 2019, after the implementation period of this action plan.

The government did not conduct an evaluation of the level of public engagement in the decisions by government authorities and governors that could impact public interest (Milestone 3.3).

Although independent of the government, OSF also started a grant program to organize public hearings in August 2017. Among the eight organizations that received grants, seven organized public hearings on their chosen issues like local development funds, land planning, and environmental monitoring in the provinces. In total, 524 people attended these public hearings.⁵ However, attempts by the Mongolian NGO, Parents Against Smog, to organize public hearings on air pollution in Ulaanbaatar were denied by government authorities, including the Office of the President, Parliament and the Ministry of Environment and Tourism.⁶ The eight grantee organizations gathered to exchange their experiences and lessons learnt in March 2018.

Did It Open Government?

Access to information: Did Not Change

Civic participation: Did Not Change

Since the commitment did not lead to decisions of public interest being presented to the public in an accessible manner, there was no change in access to information.

Both government and civil society organized training workshops on relevant legislation, and the OSF separately provided grants on public hearings and disseminated brochures. While these activities may improve civil society and public understanding of the laws to some extent, there is no evidence yet that it improved public capacity to inform or influence government decisions.⁷

Carried Forward?

The commitment is not included in Mongolia's third action plan.

¹ The Law on Development Policies and Planning, the Law on Public Hearing, the General Law on Governance and the Law on Legislations.

² Discussion on Draft Amendment to Constitution to Begin Nationwide, Montsame, 6 June 2017, <https://montsame.mn/en/read/130364>

³ Open Society Forum, Annual Report 2017 (not available online).

⁴ Information on the Law on Public Hearing, http://forum.mn/res_mat/2017/NNF.pdf

⁵ Open Society Forum, Annual Report 2017

⁶ Eagle MN, <http://eagle.mn/r/42408>

⁷ Open Society Forum, Annual Report 2017 (not available online).

4. Develop a legal environment that ensures transparency in the funding of political parties

Commitment Text:

Make an Amendment to the Law on Political Parties of Mongolia to reflect the issue of funding transparency of political parties in the new amendment to the law.

Status quo or problem addressed:

Funding of political parties is a contentious issue not only in Mongolia but also in other countries as well. According to survey data and study reports, political parties have the highest risk of exposure to corruption. There are still cases of violations related to election funding; this shows that the system is not comprehensive enough to handle these issues. Various international studies reveal that corruption in political parties is the base of defects in the political system, and has a negative effect on the development of parties and creates a foundation for future corruption. Therefore, there is an immediate need to address the issues of funding to political parties and make these channels more open, transparent, monitored and accountable.

Amend the Law on Political Parties of Mongolia and reflect the issue of funding transparency of political parties in the new amendment to the law.

Milestones:

4.1. Design the draft amendment of the Law on Political Parties in accordance with the processes outlined in the “Law on Legislations and Law on Public Hearing” while engaging stakeholders of the OGP in the process.

4.2. Reflect detailed regulations regarding the funding of political parties in the legal draft and organize actions to advocate the approval of legislation, which clearly states how to ensure transparency and accountability in the funding issues in the law.

4.3. Organize advocacy activities in cooperation with OGP stakeholders until the approval of the draft legislation.

Responsible institution: Central Government Authority responsible for Justice

Supporting institutions: National Audit Authority, General Authority for Tax, Independent Agency Against Corruption, civil society organizations who actively work and research on government transparency, corruption and governance issues, MNB, Mongolian National Chamber of Commerce and Industry (MNCCI), political parties

Start date: 30 June 2016

End date: 30 June 2018

Editorial Note: This is an abridged version of the commitment text. For the full commitment text from the Mongolian National Action Plan, see: https://www.opengovpartnership.org/wp-content/uploads/2017/05/Mongolia-NAP2-Final-Eng_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
4. Overall		✓			✓	✓			✓				✓						✓			

Commitment Aim

This commitment aimed to amend the Law on Political Parties of Mongolia to reflect the issue of funding transparency of political parties; organize accompanying advocacy activities until the amendments are enacted; and to do so in cooperation and consultation with OGP stakeholders and the public, in line with laws on legislations and public hearings.

Status

Midterm: Limited

In the first year of implementation of this action plan—a period during which a new parliament came into office after elections in June 2016—the government did not hold public hearings, and did not complete the drafting of legislation on political parties (Milestones 4.1 and 4.2). However, as a sub-taskforce of researchers and parliament secretariat staff developed a draft framework document for the draft amendments, the commitment was assessed as having limited completion at the midterm.

For more information, please see the IRM 2016-2017 Progress Report.¹

End of term: Limited

In December 2017, parliament created a new taskforce to draft the amendments to the Law on Political Parties.² There are two taskforces, one composed of parliamentarians representing all parties with seats in parliament, and a sub-taskforce comprised of researchers from academia, specialized in political studies, and parliament secretariat staff. However, amendments to the Law on Political Parties had still not been finalized at the end of term, and the government had not yet organized public consultations or advocacy activities around any draft amendments (Milestone 4.1, 4.2, 4.3).³ According to the Ministry of Justice and Interior, progress pertaining to the amendment of this law remains at the discretion of parliament.

Despite this, independent of government, civil society has contributed to advocacy for the law. On 19 April 2018, Transparency International Mongolia organized a meeting on the funding of political parties and prevention of grand corruption, with the participation of members of parliament, civil society, and academia. The participants discussed a number of corruption prevention measures, such as protecting whistleblowers and indexation of political parties' vulnerability to corruption.⁴

The Open Society Forum (OSF) also started to implement a two-year project "Level Up: Political Finance with Integrity" advocating a similar theme, in partnership with the International Institute for Democracy and Electoral Assistance (IDEA). The project organized a series of meetings and discussions on political finance involving different stakeholders, including women and youth.⁵

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Marginal

Since the Law on Political Parties had not been amended to increase transparency of political financing, and advocacy efforts took place independent of government, there was no improvement in access to information.

However, as the sub-taskforce involved in drafting the amendment to the law inclusively comprised researchers and held several discussions on political financing involving parliamentarians and civil society, the commitment did contribute to a marginal improvement in civic participation.

Carried Forward?

This commitment has been included in Mongolia's third action plan as Commitment 8: Create legal environment for transparency of political parties.

The milestones of this commitment are: to develop the draft of the Law on Political Parties, which will include transparent disclosure of political party financing and civil society oversight; to submit the draft to the parliament; to improve oversight and monitoring by law enforcement agencies; to create conditions for preventing any potential corruption; and also to improve public awareness and knowledge on political parties' responsibility and accountability, and build capacity to demand from political parties their compliance with duties.

¹ Independent Reporting Mechanism, Mongolia Progress Report 2016-2017, <https://bit.ly/3fjy1qM>

² Email exchange between IRM and representative of the Open Society Forum in Mongolia, 4 May 2017.

³ DeFacto Independent Research Institute, Funding political parties from the public budget, <http://defacto.mn/en/funding-political-parties-from-the-public-budget/>

⁴ Recording of the Transparency International meeting, <https://www.facebook.com/TransparencyInternationalMongolia/videos/1651129658339636/>

⁵ Open Society Forum, Annual Report 2017 (not available online).

5. Create a favorable environment for media outlets and journalists

Commitment Text:

Facilitate consultation with a wide range of participants from the media to civil society organizations with the purpose of reviewing the limitations for media content and establishing a legal environment that ensures the financial and political independence of MNB by amending the Law on Mongolian National Broadcasting.

Status quo or problem addressed:

Recommendation four of the special recommendations provided by the Independent Consultant Report on the implementation of the NAP for the OPG of Mongolia for 2014-16 stated that Mongolia should have a special commitment to freedom of media in cooperation with the media and journalism sector in the NAP for 2016-18. Journalists are worried about government actions to directly control the media. Currently, media outlets are meeting the domestic demand for Mongolia's 3 million people. Many large companies and politicians now own a media outlet or have a "cooperation agreement" with the media that restricts the media from publicly releasing any negative information about that person or company.

Milestones:

5.1. Run a consultation session for the draft amendment of the Freedom of Media and present it to the Parliament upon assessing whether the legislation meets international standards.

5.2. After consulting with the public and ensuring that the Draft legislation meets international standards, the Draft legislation should be submitted. The draft should recognize the rights of journalists to maintain the confidentiality of their informants, and that media outlet owners must be transparent.

5.3. Plan and organize advocacy actions until the adoption of the law in cooperation with OGP engagement

5.4. Receive feedback and facilitate consultations with professional associations on what amendments can be made into the Law on Mongolian National Broadcasting to ensure the financial and political independence of broadcasting.

5.5. Submit the draft amendment of the law, which reflects the outcome of the consultation and organize advocacy actions until the Parliament passes the amendment.

5.6. Develop a legal environment to ensure Information transparency of the ownership of media.

Responsible institution: Central Government Authority responsible for Justice

Supporting institutions: Cabinet Secretariat of Government of Mongolia, Secretariat of Parliament and other relevant organizations, civil society organizations who actively engage and conduct research on government transparency, corruption and governance issues

Start date: 30 June 2016

End date: 30 June 2018

Editorial Note: This is an abridged version of the commitment text. For the full commitment text from the Mongolian National Action Plan, see: https://www.opengovpartnership.org/wp-content/uploads/2017/05/Mongolia-NAP2-Final-Eng_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Overall			✓		✓	✓					✓		✓					✓			

Commitment Aim

This commitment aimed to adopt and amend legislation to protect the freedom of the media, ensure its political and financial independence through the protection of the rights of journalists to maintain confidentiality, and facilitate greater transparency of media ownership. These amendments would be drafted through consultations with the public and professional associations.

Status

Midterm: Limited

In December 2016, the government submitted a draft Law on Broadcasting before parliament (Milestone 5.5).¹ The articles included in the draft law fulfilled the overall objective of the commitment; i.e. to release media ownership information. However, there were several elements that ran contrary to international standards, such as failing to transform the Communications Regulatory Commission into an independent body, failing to provide for community broadcasters, and imposing an unduly harsh regime for regulating content.² The draft law also did not clarify the criteria against which license applications shall be assessed and did not require the licensing process to be transparent, or allow for public participation.³ The government did not organize consultations with the public or professional associations in preparation of this draft law and the government also did not conduct any advocacy in this regard (Milestones 5.4 and 5.5).

In March 2017, TV representatives discussed the draft Law on Broadcasting during a national TV forum, but this forum was not organized by the government.

For more information, please see the IRM 2016-2017 Progress Report.⁴

End of term: Limited

By the midterm, the Law on Broadcasting had been submitted to parliament, but it was not premised on consultations with the public and media organizations (Milestone 5.5.). On 24 April 2018, six MPs met with representatives of the Mongolian media and discussed ways to ensure media freedom and improve the legal environment for media, and what changes and amendments were needed to the Law on Media Freedom, Law on Violation, and the Law on Broadcasting (Milestones 5.1 and 5.4).

However, members of the National Council of the Mongolian National Broadcaster (MNB) were still appointed by political interest and its budget was approved by the government. Therefore, the MNB can still be considered politically dependent. The Law on Broadcasting had not been adopted at the end of term (Milestone 5.6).

There was also no evidence that there was any progress toward drafting or advocating legislation on the freedom of media during the second year of implementation (Milestone 5.1- 5.3).

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

Although the government presented draft legislation on broadcasting to parliament, the failure to formally adopt any related legislation during action plan implementation meant that there was no improvement in access to information as a result of this commitment. The government also did not conduct any public consultations in the development of this draft and, thus, this commitment did not contribute to an improvement in civic participation either.

As a result, the lack of legal regulations continued to facilitate the existence of media concentrations and monopolies, with limited transparency. According to Media Ownership Monitor (MOM)⁵, 74 percent of the top 39 media outlets had political affiliations through their founders or owners. In addition, all but one of Mongolia's TV stations were owned by people with political affiliations. These results also showed that 89 percent of the media was not transparent about its ownership, with almost 50 percent of media companies not providing any information on ownership or financial structures.

Existing regulations impose heavy monetary sanctions on individual journalists and media entities for slander; and freedom of information is stifled by unjustified defamation lawsuits.⁶ The public widely regards the media as an integral part of the political system, rather than as a public watchdog.

Carried Forward?

The commitment is not included in Mongolia's third action plan.

¹ Law of Mongolia on Broadcasting, https://www.law-democracy.org/live/wp-content/uploads/2017/03/Mongolia.Bro_Dec16.pdf

² Centre for Law and Democracy, Mongolia, Analysis of the Draft Broadcasting Law, March 2017, <https://www.law-democracy.org/live/wp-content/uploads/2012/08/Mongolia.Broadcasting.Mar17analysis.pdf>, p 1.

³ Ibid. p 6.

⁴ Independent Reporting Mechanism, Mongolia Progress Report 2016-2017, <https://bit.ly/3fjy1qM>

⁵ Reporters without Borders and Press Institute of Mongolia, Media Ownership Monitor – Mongolia, 2016, <https://mongolia.mom-rsf.org/mn/translation-media/>

⁶ Transparency International Mongolia, Business Integrity Country Agenda Mongolia 2018, <https://en.transparency.mn/shudarga-biznes-mongol>

6. National Programme for Combating Corruption

Commitment Text:

Ensure multilateral engagement of the OGP to implement the National Programme against Corruption.

Status quo or problem addressed:

Since the completion of the National Programme for Combating Corruption for 2002-10, there hasn't been any strategy or program developed for combating corruption at the national level. Therefore it is necessary to define a comprehensive government policy against corruption and refine relevant legislations and actions to improve coordination between different agencies.

Milestones:

6.1. Organize a meeting with the engagement of all stakeholders of the OGP to make implementation plans if the "NAP" is approved.

6.2. Deliver proposals of the OGP stakeholders on engaging and cooperating in the actions to implement NAP.

Responsible institution: Central Government Authority responsible for Justice and other relevant organizations

Supporting institutions: Independent Agency against Corruption, other relevant government organizations, MNCCI, NGOs working on governance and transparency, MNB and "Mongolian News" Channel

Start date: 30 June 2016

End date: 30 June 2018

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Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6. Overall		✓				✓			✓					✓					✓		

Commitment Aim

This commitment aimed to engage OGP stakeholders in the implementation of the anticipated National Programme for Combatting Corruption, which was to be premised on the anti-corruption strategy, approved by parliament in November 2016.

Status

Midterm: Limited

During the National Anti-Corruption Forum, held in January 2017, government ministries, agencies, and CSOs submitted feedback on the development of the action plan for implementation of the new National Programme for Combatting Corruption (Milestone 6.1).¹ In April 2017, the government adopted the action plan with 216 action items to be implemented in two phases between 2016 and 2023.² The action plan included feedback from the different stakeholders.

For more information, please see the IRM 2016-2017 Progress Report.³

End of term: Substantial

Parliament allocated MNT 499.6 million to implement the program in 2017.⁴ The Anti-Corruption Authority is responsible for coordinating and collecting reports on implementation from government organizations and submitting a composite report to a Standing Committee of the Parliament. The government published the implementation report of the National Programme for Combatting Corruption for 2017 in August 2018.⁵

A number of initiatives advanced progress on Milestone 6.2. Following the approval of the methodology of the corruption risk assessment in December 2017, the Anti-Corruption Authority selected NGOs to conduct risk assessments in 10 government ministries and 14 agencies. Based on these assessments, the Anti-Corruption Authority has taken measures to identify the causes of corruption in high-risk sectors such as in mining, education, health, and customs. The Anti-Corruption Authority also established a 'Public Center' to conduct trainings, disseminate information, and receive complaints and feedback from the public. The Public Center organized nine training workshops for citizens and the private sector, where 309 people attended.⁶

As the the Anti-Corruption Authority did not have regional offices, it set up Citizen Monitoring Committees to Prevent Corruption in government ministries and agencies, across all 21 provinces, Ulaanbaatar City and its districts.⁷ At the end of term, these oversight councils comprised 152 members. These councils were tasked with monitoring the implementation of institutional action plans, and ensuring transparency, integrity, and financial accountability. In December 2017, the Anti-Corruption Authority facilitated the training of 142 members of these councils on public monitoring.

The Anti-Corruption Authority continued to collaborate with civil society to conduct training workshops, develop brochures, and provide information on the campaign against corruption throughout the implementation period. Globe International, Open Society Forum, Transparency International Mongolia, and other NGOs were involved in these activities.⁸

Did It Open Government?

Civic Participation: Marginal

According to representatives of civil society, the approval of the National Programme for Combatting Corruption was itself an important achievement and outcome of the long-term efforts of civil society.⁹ Civil society also recognized that the participation of different stakeholders in the National Anti-Corruption Forum, and the subsequent incorporation of civil society feedback in the final action plan, was another positive achievement. In addition, citizens and civil society were

involved in different aspects of activities to implement the program, including the establishment of citizen oversight councils at government agencies across the country.

However, while these activities represent a marginal improvement in civic participation, continued citizen perception of high levels of public corruption in Mongolia,¹⁰ and its rank of 103 out of 180 countries in Transparency International's 2017 Corruption Perception Index,¹¹ suggest that there is still a long way to go.

Carried Forward?

The commitment is not included in Mongolia's third action plan.

¹ Independent Authority Against Corruption (IAAC), Comments to the Action Plan to implement the National Program for Combating Corruption submitted by government agencies and CSOs, 2016-2023 (in Mongolian), <https://www.iaac.mn/page/92?menu=217&lang=en>

² Action plan for National Programme for Combatting Corruption (in Mongolian), <http://www.iaac.mn/files/6e396b8e-a4cd-41d6-8a42-535892425542/ATUH.tusuld.sanal.pdf>

³ Independent Reporting Mechanism, Mongolia Progress Report 2016-2017, <https://bit.ly/3fjy1qM>

⁴ Implementation report of the action plan of the National Programme for Combatting Corruption for 2017 (in Mongolian), <http://www.iaac.mn/files/6e396b8e-a4cd-41d6-8a42-535892425542/avligatai-temtseh-gazriin2018-medeelel.pdf>

⁵ Ibid.

⁶ Ibid.

⁷ OECD 2019, Anti-Corruption Reforms in Mongolia, Fighting Corruption in Eastern Europe and Central Asia, <https://www.oecd.org/corruption/acn/OECD-ACN-Mongolia-4th-Round-Monitoring-Report-2019-ENG.pdf>

⁸ Implementation report of the action plan of the National Programme for Combatting Corruption for 2017 (in Mongolian), <http://www.iaac.mn/files/6e396b8e-a4cd-41d6-8a42-535892425542/avligatai-temtseh-gazriin2018-medeelel.pdf>

⁹ Interview with Enkhtsetseg Dagva, Manager, Open Society Forum, September 2018.

¹⁰ The Asia Foundation and Sant Maral Foundation, Survey on Perceptions and Knowledge of Corruption 2017, https://asiafoundation.org/wp-content/uploads/2017/09/MG-SPEAK2017_ENG.pdf

¹¹ Transparency International, Corruption Perceptions Index 2017, https://www.transparency.org/news/feature/corruption_perceptions_index_2017

7. Promoting transparency of loans and aid from foreign countries

Commitment Text:

Accelerate actions to develop a[n] information database on borrowings, aid and projects and programs by international organizations and make the information open to public.

Status quo or problem addressed:

Information about projects implemented with funding from international organizations is not transparent or accessible by the public.

Milestones:

7.1. Update management database

7.2. Develop and expand information database

7.3. Organize training and capacity building on information management system

7.4. Promote information system to the public

Responsible institution: Central Government Authority for Budget and Finance

Supporting institutions: General regulators of budget, Project implementing units

Start date: 30 June 2016

End date: 30 June 2018

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Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
7. Overall		✓			✓					✓			✓						✓		

Commitment Aim

This commitment aimed to make information about borrowings, aid, and projects and programs by international organizations open to the public. It aimed to do this by developing an updated and well-managed information database and promoting it to the public.

Status

Midterm: Not started

The odamis.mof.gov.mn database lists more than 1,200 past and ongoing foreign-funded projects in Mongolia.¹ The information includes the start and end dates of the projects, the issue being addressed, the geographical area covered, the names of the funding and implementing organizations, and the implementation status. The existence of this database pre-dated the introduction of this commitment.

The Central Government Authority for Budget and Finance did not conduct training on this database and information management system, and the database was not promoted to the public. Therefore, the implementation of this commitment was considered to have not started at the midterm (Milestone 7.1 – 7.4). For more information, please see the IRM 2016-2017 Progress Report.²

End of term: Limited

At the end of term, the odamis.mof.gov.mn database still contained general information pertaining to foreign-funded projects. Although the number of projects reported on the database increased since the midterm (Milestones 7.1 and 7.2), the database continued to omit project reports with detailed budget information. The government authority also did not conduct training and promotion of the information system to the public. (Milestones 7.3 and 7.4).

Did It Open Government?

Access to Information: Marginal

As there was only limited new information on projects, and no new financial information on loans and aid from foreign countries, included on the odamis.mof.gov.mn database, this commitment only led to a marginal increase in access to information.

Carried Forward?

The commitment is not included in Mongolia's third action plan.

¹ The database, <https://odamis.mof.gov.mn>

² Independent Reporting Mechanism, Mongolia Progress Report 2016-2017, <https://bit.ly/3fjy1qM>

8. Online registration of VAT

Commitment Text:

Continue registering all sales centers, service providers, and markets into the online receipt registration system and provide systematic information to public entities.

Status quo or problem addressed:

The amendment of Law on VAT by the Parliament of July 09, 2015, established a legal environment for correctly collecting VAT. It created an opportunity for the customers to register their receipts onto the online receipt registration system and get back a certain portion of their tax payment in the form of incentives and lottery prizes.

GTA has started to implement the “EBARIMT” system, which meets international standards, from January 01, 2016 and as of now, the amount of VAT income increased 2.2 times a year on year for the first two months of implementation.

Since January 01, 2016 a total of 29,880 entities and 37,045 cash registers were connected to the system. Since 1995, only 12,000 POS machines were connected to a system to register non-cash transactions in Mongolia. The connection of 37,045 Cash register POS machines into the system in less than a three month period is an impressive achievement.

With the conversion from paper receipts to online receipts, it became easier for entities to report to the tax system and created an opportunity to reduce stress related to tax reporting. It also stopped the allocation of about 300 million MNT for paper receipts in the government budget.

As of May 2016, traffic for the Ebarimt.mn website reached 4.5 million, and there is now a total of 415 493 people registering their receipts through the website. As a result, the website became the most popular website in Mongolia after Facebook and YouTube according to <https://www.similarweb.com/country/mongolia>

Milestones:

- 8.1. Develop a draft handbook for citizens to provide easy to understand instructions on how to register and log in to the online system. Upon completion of the draft send to civil society organizations for consultation.*
- 8.2. Identify and prepare mediums to distribute the handbooks (such as online, publications, messages, radio, television programs, and social media)*
- 8.3. Disseminate new and improved handbooks in consultation with the public through different mediums.*
- 8.4. Prepare easy to understand and accessible handbooks for service providers and sales persons on VAT and HOW and WHEN to register receipts for customers and disseminate the information through different mediums and outlets.*
- 8.5. Provide training on VAT for accountants in urban and rural areas.*
- 8.6. Report the effectiveness of the online registration of VAT through the media on regular basis.*
- 8.7. Inform the public about the new procedures for the lottery system.*
- 8.8. Live broadcast of the lottery process to the public.*

Responsible institution: General Authority for Taxation, Implementing Agency of Government of Mongolia

Supporting institutions: All government organizations, Information technology center for customs and taxation, National Data Centre, GAST, citizens, entities, NGOS, MNCCI, Mongolian Economic Forum

Start date: 30 June 2016

End date: 30 June 2018

Editorial Note: This is an abridged version of the commitment text. For the full commitment text from the Mongolian National Action Plan, see: https://www.opengovpartnership.org/wp-content/uploads/2017/05/Mongolia-NAP2-Final-Eng_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Overall			✓		✓	✓				✓					✓						✓

Commitment Aim

This commitment sought to provide the public with accessible information on the new online VAT receipt registration system. Planned outreach included consultation with civil society and dissemination of an explanatory handbook to increase engagement with the system.

Status

Midterm: Substantial

In September 2016, the General Department of Taxation (i.e. Mongolian Tax Administration, MTA) held a meeting with CSOs to discuss the draft handbook to implement the Law on VAT (Milestone 8.1). While this meeting aimed to facilitate and accommodate CSO feedback, the development of the handbook was led by a team of technical professionals. The MTA also distributed information on the use of the EBARIMT system through five television channels, two daily newspapers, and two online media publications. In addition, the MTA posted 28,300 posters to promote the VAT refund through EBARIMT in shopping centers and stores by April 2017. By the end of the midterm, the MTA and related stakeholders had held 2,023 training workshops to introduce Law on VAT and how to use the EBARIMT system throughout the country, including in all *aimags* and cities (Milestones 8.2 – 8.5).

For more information, please see the IRM 2016-2017 Progress Report.¹

End of term: Complete

As of 31 May 2018, VAT receipts were available through 88,000 Point of Sale (PoS) machines. In 2017, 247 million receipts were given, and VAT repayments of MNT 52.6 billion were made to taxpayers.² From 2016 to the first half of 2018, income to the state budget from VAT continuously increased, with more than 620,000 taxpayers, out of 900,000, registered on the system.

Training workshops were regularly held for business owners, accountants, and citizens throughout the country (Milestone 8.5). Also, information on the use of the EBARIMT system was constantly disseminated through different media channels (Milestone 8.6). The EBARIMT website is now the third most-visited website in Mongolia (after Facebook and Twitter).³ The lottery system is popular among citizens and broadcast each month by a TV channel (Milestone 8.7 and Milestone 8.8).

Implementation of this commitment is therefore considered complete at the end of the second year of the action plan.

Did It Open Government?

Access to Information: Major

Civic Participation: Marginal

This commitment led to the publication and dissemination of significant information on the availability and use of the tax administration's VAT payment system. Taxpayers can now track how much VAT they have paid and how much they are entitled to redeem. The handbook on using the VAT system was also widely disseminated through multiple channels, and training sessions were held for a diversity of non-state stakeholders. As a result, this commitment contributed to a major improvement in access to government-held information.

Although the handbook was developed in consultation with civil society, it is unclear to what extent civil society had the technical capacity to provide substantive feedback on the draft. The handbook was developed by technical professionals and the single consultation meeting between the MTA and CSOs did not yield significant additional input. Therefore, this commitment only led to a marginal improvement in civic participation.

Carried Forward?

The commitment is not included in Mongolia's third action plan.

¹ Independent Reporting Mechanism, Mongolia Progress Report 2016-2017, <https://bit.ly/3fy1qM>

² <https://www.mongolchamber.mn/mn/newsDetail/1122>

³ Christopher de Gruben, 3 things that Mongolia (probably) does better than the rest of the world, <http://www.degruben.com/3-things-that-mongolia-probably-does-better-than-the-rest-of-the-world/>

9. Promoting glass account system

Commitment Text:

Improve and refine indicators for measuring budget and financial information transparency of government organizations. While strengthening the government's capacity to respond to complaints and feedback of citizens and civil society organizations.

Status quo or problem addressed:

Activities aimed at ensuring budget and financial transparency have had an important impact on the implementation of the Law on Glass Account (2014), and all government organizations are now beginning to make their budget spending more transparent to the public. Despite this achievement, there is public suspicion regarding government agencies hiding their budget spending by dividing their expenses over 5 million on the actual budget spending. Because of this, it is necessary to reduce the transaction transparency threshold to MNT 1 million for government organizations.

Milestones:

9.1. Promote an updated and improved online system for the Law on glass account on a regular and continuous basis.

9.2. In addition to the transaction information for the spending above 5 million in the budgets and finance, the government should upload information about decisions and main agreements in relation to this transaction.

9.3. Research and develop a mechanism for community members to monitor, report, and follow-up on spending of their community.

Responsible institution: Central Government Authority responsible for Budget and Finance

Supporting institutions: All regulators of budget, Units implementing the project “Citizens monitor budget” NGO Network, NGOs for Audit and Monitoring, MNB, Mongolian Journalism Association MNCCI

Start date: 30 June 2016

End date: 30 June 2018

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9. Overall			✓		✓						✓		✓						✓		

Commitment Aim

This commitment aimed to make the online Glass Accounts system more open to the public, including publication of decisions and contracts. The commitment also specified the intention to lower the threshold for disclosure of payments and contracts, and to develop a mechanism for community members to monitor, report, and follow up on spending in their communities.

The Law on Glass Accounts entered into force in January 2015 and requires all government agencies and legal entities with state involvement to make budgetary information available to the public.

Status

Midterm: Not Started

To comply with the Law on Glass Accounts, government agencies published their budgetary plans and performance reports to the Glass Accounts Portal www.shilendans.gov.mn (in operation since 2015). While government agencies continued to update their information on the portal on a monthly basis, the type of information available on the portal had not changed since the previous action plan period (Milestone 9.1).

Similarly, at the midterm, the government had not developed an efficient mechanism for citizens to monitor, report, and follow up on the information available on the portal, nor had the reporting threshold been lowered to MNT 1 million (Milestones 9.2 and 9.3).

In the first half of 2017, the Open Society Forum (OSF), a CSO active in the area of budget transparency, conducted monitoring of the implementation of the Law on Glass Accounts for municipal and aimag governments, and some selected state-owned enterprises.¹ According to the OSF's monitoring report, implementation was sufficient until the end of the first half of 2016.² However, according to the report, implementation was weaker in the latter half of 2016 and this was attributed to the change in government resulting from the 2016 parliamentary election.

For more information, please see the IRM 2016-2017 Progress Report.³

End of term: Limited

On 27 June 2018, the Ministry of Finance released a promotional video⁴ on the Glass Accounts system, outlining steps for citizens to monitor and report complaints in the event of violations and non-compliance. The steps are as follows:

- Call the contact telephone number of the organization (indicated in the portal), that published, or did not publish, the information.
- If the organization does not receive or respond to complaints, contact the National Audit Office.
- The National Audit Office should respond in writing to complaints that it receives.
- If still not satisfied, citizens can make a complaint to the Administrative Court.

Although these steps reflect general feedback and complaint mechanisms also employed at other government organizations—and the efficiency and effectiveness of this mechanism remains largely uncertain—its introduction serves to fulfill Milestone 9.3. Having found inadequate uptake of the law among government organizations, the National Audit Office also instructed 100 state entities to better comply with and implement the Law on Glass Accounts, while the Ministry of Finance also urged local funds to do the same (Milestone 9.1).⁵ However, the reporting threshold on the portal had not been lowered to MNT 1 million at the end of term.

Did It Open Government?

Access to Information: Marginal

Public Accountability: Marginal

The commitment did not result in the publication of additional information on decisions and contract agreements on the Glass Accounts Portal. It also did not see a lowering of the reporting threshold to transactions under MNT 1 million, and thus such transactions remained undisclosed. Key government commitment holders did, however, release a promotional video to encourage citizens to engage with the system, and also provided directions on the use of a feedback and complaints mechanism. Though limited in scope, this represents a marginal improvement in citizen access to government-held information.

While the milestone lacked specificity as written and the real effectiveness of the mechanism remains unclear, the government's framing of the public-facing feedback and complaints mechanism in practice introduces a clear obligation on government to respond to citizen complaints and feedback. As a result, this commitment has also contributed to a marginal improvement in public accountability.

Carried Forward?

The commitment is not included in Mongolia's third action plan.

¹ OSF Annual report 2017 (not available online)

² OSF Annual report 2017. p 55

³ Independent Reporting Mechanism, Mongolia Progress Report 2016-2017, <https://bit.ly/3fjyLqM>

⁴ Ministry of Finance, promotional video, <https://www.youtube.com/watch?v=hmiyNVW6bRbg>

⁵ OSF Annual report 2017. p 55

10. Promoting transparency of public procurement process

Commitment Text:

Fully introduce the international initiative of Open Contracting Data Standards to government procurement activities.

Status quo or problem addressed:

Mongolia has made significant achievements on regard to making the government/budget procurement process transparent to the public; this comes as a result of actions and initiatives spearheaded by the Ministry of Finance and Government Procurement Agency (GPA). Progressive legal changes were made into the Law on Purchasing and Procuring Goods and Services with the State and Local Resources and Budget in 2011 and 2014. Started using an online platform to make procurement processes transparent to the public.

GPA is currently working on to reform the online system in order to make the procurement process fully open and transparent, and also to increase accessibilities for citizens to get information, and to encourage citizens' constructive engagement and participation. The Ministry of Finance and GPA requested the World Bank to support to align their initiative on the procurement with the Open Contracting Data Standard, an international initiative for open government etc. Therefore, the parties do cooperate on this matter.

Milestones:

10.1. Openly disseminate invitations to participate in bidding for government procurements and inform process and outcomes of the bid through the online procurement platform.

10.2. Monitor whether rights and obligations of the ordering party are implemented by clause 46.1.9, article 46 of the Law on Purchasing and Procuring Goods and Services with Government and Local Resources.

10.3. Disclose annual procurement plans, reports and assessments of the general budget managers to the public.

Responsible institution: Central Government Authority responsible for budget and financing issues

Supporting institutions: Government Procurement Agency, all ministries, and agencies, the World Bank, CSOs, and Private Sector

Start date: 30 June 2016

End date: 30 June 2018

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10. Overall			✓		✓					✓		✓							✓		

Commitment Aim

This commitment aimed to increase transparency of government procurement processes through stronger alignment with Open Contracting Data Standards. This includes the online dissemination of invitations to participate in bidding processes for procurements and the proactive disclosure of annual procurement reports and assessments.

Status

Midterm: Not Started

The Law on Purchasing and Procuring Goods and Services with Government and Local Resources¹ defines the state's obligations on transparency in the procurement of goods and services.

In line with this law, the Mongolian government published procurement tenders, contract amounts, participating bids, and procurement outcomes on an e-procurement website, www.tender.gov.mn, prior to the introduction of this commitment. The procuring entity also posted tender invitations through nationwide daily newspapers and other forms of mass media. No progress had been made towards launching the commitment, and no additional features had been introduced to the e-procurement website (Milestone 10.1 - 10.3).

For more information, please see the IRM 2016-2017 Progress Report.²

End of term: Limited

Invitations to participate in bidding for government procurement and information around related processes and outcomes continued to be published through the online procurement portal (www.tender.gov.mn) (Milestone 10.1). Information on planning, bidding, implementation, and monitoring and evaluation was also found on www.shilendans.gov.mn and www.burtgel.gov.mn, and was supplemented by a government order to regulate such processes in a timely manner. The Ministry of Education, Culture, Science, and Sports announced that all their procurement would be conducted via the e-procurement system by 2018.³

In 2017, the Government Agency for Policy Coordination on State Property created a revamped webpage of www.tender.gov.mn, to publish tender open data in machine-readable format, in accordance with the Open Contracting Data Standards.⁴ The portal contained a list of government procurement contracts starting from 1 January 2018, and the number of bidding announcements published had increased since the start of the action plan period. However, key information on contracts was not always available.

According to Clause 46.1.9, Article 46 of the Law on Purchasing and Procuring Goods and Services with Government and Local Resources, mandatory disclosure of the following is required of the contracted party: the works and services, their location, the price charged, and the timeline for completion.⁵ Monitoring of the observance of this clause had not been published at the end of term (Milestone 10.2).

The Government Agency for Policy Coordination on State Property uploaded procurement reports and assessments online at <https://www.pcsp.gov.mn/f/20> (Milestone 10.3). However, apart from the unclear functionality of the weblink, more recent reports from regional governments (*aimags*) and procurement reports from central government ministries and agencies were also not found.

Did It Open Government?

Access to Information: Marginal

This commitment led to increased information being provided on procurement bidding processes, with some, but not all, government agencies beginning to provide information in line with the Open Contracting Data Standard. However, as much of this disclosure predated this commitment, and new disclosure initiatives remain limited in scope, this commitment only contributed to a marginal improvement in access to information.

Carried Forward?

The commitment is not included in Mongolia's third action plan.

¹ Law on Purchasing and Procuring Goods and Services with Government and Local Resources (in Mongolian) <https://www.legalinfo.mn/law/details/493>

² Independent Reporting Mechanism, Mongolia Progress Report 2016-2017, <https://bit.ly/3fjy1qM>

³ Transparency International Mongolia, Business Integrity Country Agenda Mongolia 2018, p 52.

⁴ http://resource3.sodonvision.com/transparency/file/2018/6/777tu5j5du77p212keb33zd6k/BICA_ENG_FINAL.pdf

⁵ Cabinet of Mongolia, Open Data Readiness Assessment, August 2018, <https://bit.ly/2W0Yv9d>

⁵ Law of Mongolia on Procurement of Goods, Works and Services with State and Local Funds, December 2005, http://crc.gov.mn/contents/en/raw/12/30/24/7._Procurement.pdf

I 1. Transparency of contracts of public resource exploitation

Commitment Text:

Identify what is considered as public resources in the mineral, land, water and petroleum category in Mongolia with the engagement of the public and civil society organizations.

Identify types of documents such as agreements on utilizing deposits, investment and sustainability agreements, shareholding and product sharing agreements, local cooperation agreements and agreements for land and water usage and develop an information database of these documents that is accessible to the public.

Status quo or problem addressed:

It is important to establish accountability measures and information transparency of documents that regulate relations between government and state-owned enterprises who use public resources. In addition to this ensuring transparency of the use of public resources such as land, water and minerals are a priority for Mongolia.

Milestones:

I 1.1. Identify scope or relevance and relevant list of public resources

- a. Minerals and Oil*
- b. Land and Water*

I 1.2. Identify types of agreements and contracts to be covered

- a. Use of deposit, investment, sustainability, shareholding, product allocation, and similar agreements.*
- b. Land and Water Usage Contract.*
- c. Local Cooperation Agreement and other similar agreements.*

I 1.3. Develop contract database

I 1.4. Ensure access to contract database by the public

Responsible institution: Central Government Authority responsible for budget and financing issues

Supporting institutions: Central Government Authority responsible for Foreign Investment Mineral Resource Authority, Mongolian Petroleum Authority, Open Society Forum

Start date: 30 June 2016

End date: 30 June 2018

Editorial Note: This is an abridged version of the commitment text. For the full commitment text from the Mongolian National Action Plan, see: https://www.opengovpartnership.org/wp-content/uploads/2017/05/Mongolia-NAP2-Final-Eng_0.pdf

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11. Overall			✓		✓	✓				✓					✓					✓	

Commitment Aim

This commitment aimed to ensure greater transparency in public resource contracts by identifying the scope of public resources to be reported, and contracts to be covered, and developing a publicly accessible database of contracts.

The extraction of natural resources accounted for 23.4 percent of GDP and 79.6 percent of total exports in 2017.¹

Status

Midterm: Substantial

In early 2017, the Open Society Forum (OSF), in cooperation with the Extractive Industries Transparency Initiative (EITI) Secretariat of Mongolia and the Ministry of Mining and Heavy Industry (MMHI), launched the Resource Contract Database (www.iltodgeree.mn) (Milestones 11.1 - 11.3). The database had 35 contracts, including one Production Sharing Agreement (DMW Petroleum AG), 22 cooperation agreements, and seven land and water usage agreements. According to a memorandum of understanding signed in June 2017 by the MMHI, the EITI Secretariat, and the OSF, the EITI Secretariat was responsible for maintaining and updating the database while the MMHI would provide support to collect the contracts from various government organizations.²

EITI rated Mongolia's level of progress on contract disclosure as "satisfactory" during the Second Validation (2018) against the EITI Standard (Milestone 11.4).³

For more information, please see the IRM 2016-2017 Progress Report.⁴

End of term: Complete

As of September 2018, the Resource Contract Database (www.iltodgeree.mn) had published 274 contracts – an almost 8-fold increase from numbers reported in the IRM progress report (Milestones 11.1-11.4). There were also 140 annotations.⁵ While this was sufficient to meet the objectives of the commitment, the database still did not contain major investment and product sharing agreements.

Did It Open Government?

Access to Information: Major
Civic Participation: Marginal

The disclosure of 274 public resource contracts on the Resource Contract Database represents a major improvement in access to information in Mongolia. This is particularly pertinent given the large share of the natural resources sector in the economy. While the scope of coverage continues to increase, the inclusion of all investment and product sharing agreements stands to further enhance the impact of this commitment.

In addition, the collaboration between government and civil society—i.e. the MMHI, the EITI Secretariat and the OSF—to collect the public resource contracts, and maintain and update the database, represents a marginal improvement in civic participation as well. The scope of impact on civic participation may be enhanced by facilitating the inclusion of a wider group of civil society in these decision-making processes.

Carried Forward?

This commitment is included in Mongolia's third action plan as Commitment 11: Transparency of licensing, operational and financial information of state-owned companies. The milestones under this commitment include renewing the conceptual framework for the Extractives Sector Transparency Law; creating a legal environment to mandate the administration and regular updating of the Resource Contract Database; raising awareness of contract parties under Natural Resources Use Agreements; and carrying out midterm and final evaluations on the enforcement of laws and the implementation of the action plan.

¹ Mongolia Extractive Industries Transparency Initiative, Mongolia Twelfth EITI Reconciliation Report 2017, http://www.eitimongolia.mn/sites/default/files/uploads/final-reports/EITI_report_2017_en.pdf

² IRM questionnaire completed by Enkhtsetseg Dagva, Program Manager, Open Society Forum, 23 April 2018.

³ Mongolia's progress by requirement for the second EITI validation (2018), <https://eiti.org/mongolia#mongolias-progress-by-requirement>

⁴ Independent Reporting Mechanism, Mongolia Progress Report 2016-2017, <https://bit.ly/3fjy1qM>

⁵ The Resource Contract Database, <http://www.iltodgeree.mn/>

12. Transparency of information on beneficial ownership in mining sector

Commitment Text:

- *Identify relevant natural resources*
 - o *Minerals and oil*
 - o *Land and Water*
- *Establish mechanism to collect information about the owners.*
- *Establish mechanism to check and confirm the information*
- *Disseminate the information to the general public.*

Status quo or problem addressed:

Transparency of the operations related to the use of natural resources is the fundamental principle of accountability. Today, this information is not entirely transparent, thus limiting the public's capacity and opportunity to monitor and make these operators accountable.

Milestones:

- 12.1. Identify relevant natural resources*
 - a. Minerals and oil*
 - b. Land and Water*
- 12.2. Develop mechanism to collect information about the owners*
- 12.3. Establish mechanism to confirm the information in the database*
- 12.4. Disseminate the information to the public*

Responsible institutions: Central Government Authority responsible for Budget and Finance
Central Government Authority responsible for Mining Related Issues

Supporting institutions: Central Government Authority Responsible for Justice Central Government Authority Responsible for Foreign Investment Petroleum Authority Mineral Authority, Open Society Forum, Extractive Industry Transparency Initiative, Borderless Steps NGO

Start date: 30 June 2016

End date: 30 June 2018

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12. Overall			✓		✓						✓		✓					✓			

Commitment Aim

This commitment aimed to improve transparency in the extractives sector by collecting and publishing information on beneficial ownership.

The call for disclosure of beneficial ownership information concerning companies with licences to extract natural resources came from civil society. The public identified land use, mining, and local-government procurement as the most corrupt sectors in Mongolia.¹ The extraction of natural resources accounted for 23.4 percent of the country's GDP.

Status

Midterm: Limited

Mongolia's 2016 EITI report found that out of 213 companies selected to complete the template for beneficial ownership in accordance with Requirement 2.5 of the EITI Standard, only 47 companies (22 percent) submitted their beneficial ownership information to Mongolia EITI's e-Reporting system.² However, according to the EITI roadmap, the collection of information for the database and its disclosure to the public were not scheduled to take place until 2019 (Milestones 12.1-12.4).

In 2016–17, different government agencies, extractive companies, and CSOs participated in nine discussions and workshops on beneficial ownership disclosure (Milestones 12.1 and 12.2). Civil society and media representatives also formed an informal group to improve the legal environment for beneficial ownership disclosure. According to a civil society representative, the State Registration Agency is working to collect beneficial ownership information on all mining companies by June 2018.³

End of term: Limited

The government did not take any further action to advance this commitment in the remaining period of this report (Milestones 12.1-12.4).

However, independent of government, civil society took several steps to push the commitment forward. In early 2018, the Natural Resource Governance Institute (NRGI) and Transparency Fund NGO launched the following website on beneficial owners <https://iltodezed.wordpress.com/> (// tod

ezed means transparent owners). At the end of term, the website published information pertaining to 50 mining companies, including its licenses and activities, management, board of directors, and beneficial owners. This activity is relevant to Milestone 12.4.

EITI and OSF led the organization of a series of seminars, workshops, and awareness-raising activities on beneficial ownership for different stakeholders such as company representatives, members of parliament, and other decision-makers and civil society during the reporting period. Stakeholders are also engaged in ongoing discussions on laws that can be amended to simplify disclosure of beneficial owners.

Did It Open Government?

Access to Information: Did Not Change

While the government participated in workshops, discussions, and consultations on beneficial ownership disclosure in the extractives sector, this did not translate into the government establishing a database to disclose and disseminate such information as envisioned under this commitment. As a result, this commitment did not contribute to an improvement in access to information.

Despite the lack of progress under this commitment, stakeholders recognize that the disclosure of beneficial ownership in the extractive sector can help to address anonymity, build trust with the public, and prevent tax evasion and corruption in Mongolia. Most importantly, this reform would lead to a more level playing field for investors and ensure the benefits from the sector trickle down to all Mongolians.⁴

Carried Forward?

This commitment is included in Mongolia's third action plan as Commitment 10: Transparency of beneficial owners. The commitment aims to organize a joint meeting of different stakeholders to discuss creating a legal environment for disclosure of beneficial ownership; re-visiting the Extractive Sector Transparency Bill and other related legislation towards facilitating their adoption; collecting and publicly disclosing data on beneficial owners; raising awareness on the requirement for disclosure of beneficial owners; and carrying out midterm and final evaluation on enforcement of laws and implementation of the action plan.

¹ The Asia Foundation and Sant Maral Foundation, 2017 Survey on Perceptions and Knowledge of Corruption: Strengthening Democratic Participation and Transparency in the Public Sector in Mongolia Project, https://asiafoundation.org/wp-content/uploads/2017/09/MG-SPEAK2017_ENG.pdf

² Mongolia Extractive Industries Transparency Initiative, Mongolia Eleventh EITI Reconciliation Report 2016, https://eiti.org/sites/default/files/documents/2016_m_eiti_report_final_english.pdf, p 127.

³ IRM questionnaire completed by Enkhtsetseg Dagva, Program Manager, Open Society Forum, 23 April 2018.

⁴ Natural Resource Governance Institute, Dorjdari Namkhajantsan, Resource Governance Index Points to State-Owned Enterprises as Key Mongolia Reform Target, <https://resourcegovernance.org/blog/resource-governance-index-points-state-owned-enterprises-key-mongolia-reform-target>

I3. Transparency of licensing, operational and financial information of state-owned companies

Commitment Text:

Ensure annual financial and operational reporting by companies, develop a comprehensive database to ensure transparency for social responsibility, create a culture in the company to report and disseminate information about the company and use governance as a promotion, make the selection process of independent members of Board of Directors independent from political involvement, make the information of candidates transparent to the public and enable Board of Directors and Executive Directors to make independent decisions and create a mechanism to take accountability for their decisions and provide performance-based incentives.

Milestones:

I3.1. Establish a comprehensive information system to enable information about corporate governance, activities, and financial reports to be more accessible and transparent.

I3.2. Improve the report quality of the State Owned Enterprises to meet international standards.

I3.3. Create a comprehensive system to develop and openly report social responsibility reports detailing environmental impact of the operations carried out by companies working in the mining sector.

I3.4. Ensure open and transparent reporting of exploitation agreements of the state and public owned enterprises as well as negotiations for a large sum of funding or with conflict of interest.

I3.5. Enable regular reporting of activities of the state and public owned enterprises to the public.

I3.6. Increase responsible engagement and partnership of the media to ensure transparency at all levels.

I3.7. Ensure the announcement for selection of Independent Members of the Board of Directors and Executive Management of State Owned Enterprises are made public. While also creating a mechanism to enable transparency of the information of all candidates and make selection of suitable candidates with the participation of independent players and submit the list to a commission of the relevant company to make the final selection.

I3.8. Make information about direct beneficiaries and owners of the state owned enterprises and natural resources transparent and open to the public.

I3.9. Ensure Board of Directors of the companies with state ownership can make decisions independently and take responsibility for the decisions that they make. Enable them to work independently from political involvement and introduce performance-based incentives for them.

Responsible institution: Financial Regulatory Commission

Supporting institutions: Central Government Authorities in charge of Budget, Finance, Mining and Environmental issues. National Council for Corporate Governance, MNCCI, Erdenes MGL LLC, National portal site for corporate governance, Genial Association of Journalists, Mongolian Radio and Television of the MNB, Mongolian News Channel

Start date: 30 June 2016

End date: 30 June 2018

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13. Overall				✓	✓						✓		✓						✓		

Commitment Aim

This commitment aimed to mitigate conflicts of interest and a lack of transparency in state-owned enterprises (SOEs), particularly in the extractives sector. The commitment also sought to encourage companies to comply with the Law on Environmental Impact Assessment, which requires the disclosure of environmental impact assessments by mining companies, and calls for improving the reporting quality of SOEs to meet international standards. This includes publishing social responsibility reports and ensuring that boards of directors are able to work free from political interference. In 2016, prior to this commitment, only seven SOEs provided information on their boards of directors.¹

Status

Midterm: Limited

According to the 2015 Law on Accounting, SOEs must comply with the International Financial Reporting Standards (IFRS).² While this law has been in force since January 2016, in practice, many enterprises did not comply due to the cost and difficulty of doing so. In December 2016, the Ministry of Finance developed and approved three new accounting and auditing standards to meet the IFRS standard. Ninety accountants from SOEs attended a three-day training workshop, which introduced these new standards (Milestone 13.2).

The 2011 Company Law requires companies to appoint a nomination committee to evaluate the activities of the board of directors.³ However, according to Transparency International Mongolia, none of the 10 largest listed companies reported having a nomination committee and no company disclosed performing regular board of director evaluations.⁴ Additionally, there was no evidence of implementation of the specific activities outlined in this commitment regarding board of director transparency. Therefore, no progress was made towards implementation of Milestone 13.7.

The remaining milestones were also not completed. For more information, please see the IRM 2016-2017 Progress Report.⁵

End of term: Limited

There was no change in the implementation of this commitment during the second year of the action plan. As at the midterm, the majority of milestones had not been implemented. The Ministry of Finance translated the IFRS 2018 into Mongolian to improve the reporting quality of SOEs to meet the IFRS standards (Milestone 13.2). However, the financial reports of the largest SOEs—including Erdenes Mongolia, which manages mining companies—continued to not comply with IFRS standards.

Milestone 13.4 is also included in Commitment 11, and Milestone 13.8 is also included in Commitment 12. The implementation status of these commitments is discussed in those sections.

Did It Open Government?

Access to Information: Marginal

The limited completion of most milestones under this commitment meant that the commitment did not significantly contribute to opening government in this policy area. The selection of independent board members for SOEs continued to be shrouded in secrecy, and was often politically-influenced. Despite a mandate to do so, the Anti-Corruption Authority also did not disclose the outcome of background checks on the potential conflict of interest of board members. The commitment also did not result in the establishment of an information system on the corporate governance and financial reports of SOEs, nor did it result in an increase in the number of mining companies that produced and disseminated social accountability reports.

The commitment did, however, see officials from SOEs participating in training and workshops on financial reporting standards. It is anticipated that this training will improve the quality of financial reports coming from SOEs, and thus resulted in a marginal improvement in access to information.

Carried Forward?

This commitment has been carried forward into Mongolia's third action plan as Commitment 9: Improve governance of state-owned enterprises.

The commitment aims to to improve the legal framework for strengthening state-owned and public companies governance, establish training for advanced level corporate governance and issues certificates; ensure governance and operational transparency of state-owned and public companies; create a system for conducting independent evaluation on corporate governance; establish a system to select directors and executives with public participation in open and transparent ways; and to create corporate social responsibility, internal audit, and risk-based control systems for state-owned and public corporations.

¹ Mongolia Extractive Industries Transparency Initiative, Mongolia Eleventh EITI Reconciliation Report 2016, https://eiti.org/sites/default/files/documents/2016_m_eiti_report_final_english.pdf, <http://www.eitimongolia.mn/en/reconciliation-report>

² Ernst & Young, Mongolia's new Accounting and Auditing Laws, <https://www.ey.com/Publication/vwLUAssets/ey-mongolia-new-accounting-and-auditing-laws/%24FILE/ey-mongolia-new-accounting-and-auditing-laws.pdf>

³ Company Law of Mongolia, <http://www.wipo.int/edocs/lexdocs/laws/en/mn/mn011en.pdf>

⁴ Transparency International Mongolia, Business Integrity Country Agenda Mongolia 2018, p 81, http://resource3.sodovision.com/transparency/file/2018/6/777tu5j5du77p212keb33zd6k/BICA_ENG_FINAL.pdf

⁵ Independent Reporting Mechanism, Mongolia Progress Report 2016-2017, <https://bit.ly/3fjy1qM>

Methodological Note

The end-of-term report is based on desk research and interviews with governmental and nongovernmental stakeholders. In the absence of an end-of-term self-assessment report by the government, this IRM report builds on other assessments of progress put out by civil society, the private sector, or international organizations; and the previous IRM progress report.

The IRM researcher conducted this independent research based on document review and interviews.

The researcher interviewed:

- Amarbayasgalan Dorj – Governance Specialist and co-Task Team Leader of MASAM project, World Bank
- Undral Gombodorj – Director, Democracy Education Center (DEMO)
- Enkhtsetseg Dagva– Manager for Governance Issues, Open Society Foundation

The IRM researcher did not receive a response from government representatives when contacted via telephone or email so they were, thus, not interviewed in the preparation of the IRM end-of-term report.

The researcher also used the monitoring report by civil society on the progress of commitments' implementation of the second action plan and minutes from OGP stakeholder meetings organized by the NGO, Women for Social Change.

This report was written by Batbold Zagdragchaa – IRM National Researcher for Mongolia, with the support of IRM Staff.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, to empower citizens, to fight corruption, and to harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and to improve accountability.

