

Independent Reporting Mechanism (IRM): Mongolia Design Report 2019–2021

This report was prepared by IRM Staff

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Executive Summary: Mongolia

The development of Mongolia's third action plan took place in a context of a government transition resulting in significant shortcomings in the co-creation process. The action plan is largely aligned with national priorities with commitments in new policy areas such as waste management and contracts transparency for internationally funded projects. Moving ahead, the Government of Mongolia needs to reactivate its OGP multistakeholder forum and focus on sustained implementation of reforms to fight corruption and improve service delivery.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Mongolia joined OGP in 2013. Since, Mongolia has implemented two action plans. This report evaluates the design of Mongolia's third action plan.

Mongolia's legislative and presidential elections in 2016 and 2017 contributed to a delayed OGP process. The development of the country's third action plan formally commenced in August 2018 with a government-hosted workshop. Prior to this, civil society organizations (CSOs)

independently collected public feedback on their proposals for action plan commitments. However, the Cabinet Secretariat, which leads Mongolia's OGP process, did not report on how these proposals were incorporated in the final action plan. In general, the overall co-creation process was weakened by the absence of a functional multistakeholder forum, as well as gaps in coordination between government and civil society stakeholders which prevented iterative dialogue. In January 2019, the Chief of the Cabinet Secretariat approved the country's third action plan, without consulting civil society, and submitted it to OGP in April 2019. The country thus fell short of the threshold for participation in the development of the action plan and was thus found to be acting contrary to OGP process.¹

Several policy areas are continued from previous action plans including beneficial ownership transparency, open contracting, and improvement of public service delivery. The action plan also aligns with the Mongolia Sustainable Development Vision 2030, the Three-Pillar Development Policy, and the National Anti-Corruption Strategy. The plan contains a potentially transformative commitment to open up international aid and loan data around health and infrastructure projects. However, this action plan is less ambitious than previous action plans as a whole, with six commitments of minor and one of no potential impact.

Moving forward, the Cabinet Secretariat needs to prioritize reactivation of the multistakeholder forum and thematic working groups. The forum needs to collaborate closely with civil society to

Table 1. At a Glance

Participating since: 2013
 Action plan under review: 2019–2021
 Report type: Design
 Number of commitments: 13

Action plan development

Is there a multistakeholder forum: Yes
 Level of public influence: Consult
 Acted contrary to OGP process: Yes

Action plan design

Commitments relevant to OGP values: 12 (92%)
 Transformative commitments: 1 (8%)
 Potentially starred commitments: 1 (8%)



design and monitor implementation of commitments in key reform areas of anti-corruption and public service delivery.

Table 2. Noteworthy commitments

| Commitment description | Moving forward | Status at the end of implementation cycle |
|---|---|---|
| <p>4. Ensure citizen and CSOs' engagement in public procurements of health and road/transportation sectors</p> <p>Develop an online procurement information portal in compliance with the International Open Contracting Data Standards, facilitate citizen monitoring of health and transportation procurement, and create a glass account portal for further monitoring.</p> | <p>The Ministry of Finance should introduce a communication channel within the portal where the government can respond to citizen input and provide updates. Publication of past procurement information retroactively could aid further scrutiny and identification of areas for improvement.</p> | <p>Note: this will be assessed at the end of the action plan cycle.</p> |
| <p>6. Increase legal knowledge of the target group through multistakeholder legal guide</p> <p>Distribute legal information to marginalized communities through customized formats such as cartoons, video, radio, and text.</p> | <p>This commitment promises to improve citizens' legal knowledge through various accessible formats. These efforts are most impactful if implemented within a larger legal aid ecosystem that includes increased access to justice services. Additionally, channels for citizens to submit complaints about legal services would further advance access to justice in Mongolia.</p> | <p>Note: this will be assessed at the end of the action plan cycle.</p> |
| <p>10. Transparency of beneficial owners</p> <p>Pass legislation on extractive sector transparency, collect and disclose beneficial ownership information, and raise awareness to improve compliance of companies in reporting their beneficial ownership data.</p> | <p>The Cabinet Secretariat could expand beneficial ownership transparency reforms beyond the extractive sector. Measures are needed to advance the use of standards to ensure data quality and interoperability and engage citizens, civil society, and the private sector in monitoring and implementing the framework.</p> | <p>Note: this will be assessed at the end of the action plan cycle.</p> |

Recommendations

IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan. Please refer to Section V: General Recommendations for more details on each of the below recommendations.

Table 3. Five Key IRM Recommendations

| |
|--|
| Reactivate and formalize OGP structures including a national multistakeholder forum and thematic working groups |
| Establish a publicly accessible OGP repository and provide reasoned response on the content of the future action plan |
| Develop and scale up initiatives on citizen participation in areas of public service delivery, including health and education |
| Strengthen the anti-corruption framework by improving civil society and media organizations' participation and oversight in the work of the Independent Authority Against Corruption |
| Advance Beneficial Ownership Transparency by ensuring wide coverage, interoperable data, and opportunities for multistakeholder engagement |

ABOUT THE AUTHOR

OGP's Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

Ravio Patra collaborated with the IRM to conduct desk research and interviews to inform the findings in this report. Ravio is a Jakarta-based independent researcher who works on human rights and legislation advocacy.



¹ Open Government Partnership, Procedural Review, <https://www.opengovpartnership.org/procedural-review/>

I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments complete commitments. Civil society and government leaders use these evaluations to reflect on their own progress and determine if actions have impacted people's lives.

Mongolia joined OGP in 2013. This report covers the development and design of Mongolia's third action plan for 2019–2021.

The Independent Reporting Mechanism of OGP has partnered with Ravi Patra, an independent researcher, to conduct this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

II. Open Government Context in Mongolia

Mongolia's third action plan was developed in the context of electoral transition and a constitutional crisis in 2019. While the action plan builds on previous initiatives to advance beneficial ownership transparency and public service delivery, opportunity remains to address open government challenges such as anticorruption and safeguarding media freedom.

Mongolia is a democratic, semi-presidential republic with a President as the Executive Head of State and a Prime Minister as the Head of Government and leader of the Cabinet. Since the political revolution in 1990, Mongolia has been a stable democracy with direct legislative and presidential elections. While Mongolia is a multi-party democracy, the Democratic Party (DP), or *Ардчилсан Нам* (AN), and the Mongolian People's Party (MPP) or *Монгол Ардын Нам* (MAN) are the two major parties that compete at elections.

In 2016, a few weeks after the submission of its second OGP action plan, Mongolia's legislative election¹ saw the Democratic Party losing 74 percent of its seats in the State Great Khural,² securing only nine seats compared to 34 seats in the 2012 legislative election. This allowed the MPP to assume an 85 percent super-majority in the parliament with 65 out of 76 seats.³ This was then followed by the 2017 presidential election, which saw Khaltmaagiin Battulga of the Democratic Party win the presidency in two rounds of voting; a first in Mongolia's democratic elections history.⁴

Accountability and anti-corruption

Public perception around the prevalence of corruption has intensified in recent years. At the time the action plan was developed, the 2019 Corruption Perception Index (CPI), published by Transparency International, gave Mongolia a score of 35;⁵ down from a score of 38 in 2016.⁶

In December 2018, Prime Minister Ukhnaagiin Khurelsukh withstood⁷ a vote of no confidence initiated by his own party, the MPP, at the State Great Khural. This motion occurred amid weeks of public protest against government corruption.⁸ The unrest was allegedly triggered by a series of high-profile corruption scandals, that involved parliamentarians, cabinet members, and government officials.⁹ In February 2019, the State Great Khural voted to expel Miyegombo Enkhbold, Speaker of the House, over a separate corruption scandal from 2016¹⁰ and growing distrust over his alleged involvement with 'MANAN',¹¹ a 'shadow' group of powerful political elites.¹²

Mongolia's 1992 Constitution¹³ does not explicitly mandate the pursuit of anti-corruption efforts, with bribery only being mandated against in the Criminal Code.¹⁴ However, over time, Mongolia has introduced legislation to combat corruption. This includes the Law on Anti-Corruption,¹⁵ the Law on Conflict of Interests,¹⁶ the Law on Combating Money Laundering and Terrorism Financing,¹⁷ and the Law on Glass Account.¹⁸ Mongolia has also developed a National Anti-Corruption Strategy¹⁹ and a subsequent Implementation Action Plan to bring this into effect.²⁰ In November 2019, Mongolia passed the first amendment to its 1992 Constitution, changing the term of presidency from a maximum of two four-year terms to a maximum of one six-year term, beginning in 2025.²¹

The Independent Authority Against Corruption (IAAC), established in 2007, leads the effort to prevent and investigate corruption by public institutions. While it showed early promise, the IAAC is limited by a number of challenges. In a 2019 report, for instance, the Organization for Economic Cooperation and Development (OECD) found that the work of the IAAC is limited by political pressure, lack of cooperation with civil society, limited capacity, and a lack of resources.²²

According to the OECD report,²³ a combination of these challenges, compounded by pressure from political elites, is the reason why none of IAAC's General Directors have served their full six-year terms. The report also cites this lack of stable leadership and inadequate transparency in the selection process of the General Director as further reasons why the IAAC is unable to effectively exercise its mandate.²⁴ In May 2019, President Battulga received approval from the State Great Khural to appoint Dashdavaa Zandraa as the new General Director of the IAAC.²⁵ The previous

General Director, Enkhjargal Khurelsukh, assumed office in July 2016 and served only half of his term.

Mongolia has made key improvements in asset declaration, including a fully functional electronic declaration system that replaced paper-based records.²⁶ However, as highlighted by the OECD, while high-level officials routinely submit declarations, there are limited sanctions for non-disclosure. These declarations are also not published in a machine-readable format.²⁷ The OECD also notes that the oversight mechanism is “complex and decentralized” which limits the verification and enforcement of declarations.²⁸ Compounding matters further, as noted above, the IAAC—which serves as the main monitoring body—is inadequately equipped to ensure effective verification.

Transparency and access to information

Mongolia approved its Law on Information Transparency and Right to Information²⁹ in 2011. According to the Centre for Law and Democracy’s (CLD) Global Right to Information (RTI) Rating, Mongolia’s RTI law scores 87 out of a maximum of 150 points, ranking 64th out of 128 countries overall.³⁰ Across the seven areas assessed by the CLD, Mongolia’s RTI law scores strongly in terms of right of access, scope, and appeal procedures. Areas in which the law can be strengthened include procedures to request information, exceptions and refusals, sanctions and protections, and promotional measures.³¹

In February 2018, the Extractive Industries Transparency Initiative (EITI), a global organization working with governments to achieve transparency in the extractive sector, confirmed Mongolia as the second country³²—after the Philippines³³—to achieve “satisfactory” level of progress against all EITI standards. Building on this achievement, transparency in the extractive sector also features in the 2019-2021 action plan. Although previous action plans do not contain many open data commitments,³⁴ Open Data Watch noted that Mongolia’s open data compliance improved from an Open Data Inventory Score of 62 in 2017 to 77 in 2018.³⁵ This places Mongolia 1st among countries in Eastern Asia and 11th globally out of 178 countries.³⁶

In terms of budget transparency, the Ministry of Finance and others have leveraged the legislative framework to gradually enhance public access to fiscal and financial data.³⁷ These efforts have resulted in Mongolia’s score in the Independent Budget Partnership’s (IBP) Open Budget Index (OBI) increasing by more than 20 percent, from 46 out of 100 in 2017 to 56 in 2019.³⁸ This notable improvement can be attributed, in part, to the country’s timely publication of the year-end budget and pre-budget statement and the production of citizen budget booklets.³⁹ The IBP also found that the legislature and supreme audit institution provided “adequate” oversight during the budget process.⁴⁰ In spite of these achievements, however, the IBP reports “insufficient” public participation in Mongolia’s budget process, especially during budget formulation. This is reflected in a public participation score of 15 out of 100—only slightly above the global average of 14.⁴¹

Transparency, including fiscal openness, remains particularly important in the context of governments’ responses to the COVID-19 pandemic.⁴² Despite taking a broad range of measures to curb the spread of the epidemic in Mongolia, including travel bans and social distancing, the Global Right to Information Rating’s COVID-19 tracker does not report any legal measures to alter or suspend right to information obligations.⁴³

Civil liberties and civic space

The freedom of expression, freedom of association, and other entitlements around public participation are legally protected in Mongolia. Freedom House rates Mongolia as ‘Free’ in its 2019 Freedom in the World report,⁴⁴ scoring the country highly in terms of public participation but noting limited diversity in its politics. The 2016 legislative election, for instance, resulted in only 13 seats for women—about 17 percent of the State Great Khural’s 76 seats—which places Mongolia 123rd out of 193 countries in the Inter-Parliamentary Union’s ranking of women representation in parliament.⁴⁵ This is despite the Law on Election setting a 20 percent quota for women candidates.

Through the 2016-2018 OGP action plan, Mongolia introduced an ambitious commitment to create a favorable environment for media and journalists.⁴⁶ However, recent reports of crackdowns⁴⁷ on ‘fake news’ and disinformation, using a defamation law,⁴⁸ suggests a reversal of positive trends.

According to Reporters Without Borders, more than half of the defamation cases in Mongolia are brought against journalists and media outlets,⁴⁹ especially leading up to and during elections. Forum-Asia, a regional human rights defenders coalition, noted that since the Law on Administrative Offences was introduced in 2017, more than 230 journalists, media workers, and regular social media users have been charged with defamation.⁵⁰ The threat of such prosecution prompts journalists to exercise self-censorship.

Although the International Centre for Not for Profit Law's COVID-19 Civic Freedom Tracker⁵¹ does not report Mongolia taking measures that negatively affected civic freedom and human rights in response to the COVID-19 pandemic, the Law to Prevent and Combat the Coronavirus (COVID-19)—enacted by the State Great Khural in April 2020—builds on existing provisions under the Law on Administrative Offences (Section 5.13.1) to fine citizens for misleading others and spreading disinformation.⁵² Mongolia's third action plan does not include any commitments on the protection of civic space and civil liberties.

¹ Boldsaikhan Sambuu, Mongolia's Opposition Party Won 85 Percent of the Seats in Parliament with only 45 Percent of the Vote, *The Washington Post*, 2016, <https://www.washingtonpost.com/news/monkey-cage/wp/2016/07/06/in-mongolia-the-opposition-party-won-85-of-the-seats-in-parliament-with-only-45-of-the-vote>.

² State Great Khural or Улсын Их Хурал is the unicameral parliament of Mongolia.

³ Sambuu, Mongolia's Opposition Party Won 85 Percent of the Seats in Parliament.

⁴ Terrence Edwards, Former Martial Arts Star Battulga Wins Mongolian Presidential Election, *Reuters*, 2017, <https://www.reuters.com/article/us-mongolia-election/former-martial-arts-star-battulga-wins-mongolian-presidential-election-idUSKBNI9T05Z>.

⁵ Transparency International, Corruption Perception Index 2019: Mongolia, <https://www.transparency.org/en/cpi/2019/results/mng>.

⁶ Transparency International, Corruption Perception Index 2016: Mongolia, <https://www.transparency.org/en/cpi/2016/results/mng>.

⁷ Aubrey Menard & Boldsaikhan Sambuu, Mongolia's PM Has Kept His Job, but the Country Is Reeling from Fraud and Political Turmoil, *South China Morning Post*, 2018, <https://www.scmp.com/week-asia/politics/article/2176588/mongolias-pm-has-kept-his-job-country-reeling-fraud-and-political>.

⁸ Munkhchimeg Davaasharav, Mongolians Protest against Corruption as Temperature Plunges, *Reuters*, 2018, <https://www.reuters.com/article/us-mongolia-politics/mongolians-protest-against-corruption-as-temperature-plunges-idUSKCN1OQ0RG>.

⁹ *Ibid.*

¹⁰ Aubrey Menard & Boldsaikhan Sambuu, Mongolia Speaker Expelled Amid Ongoing Battle against Corruption, *Aljazeera*, 2019, <https://www.aljazeera.com/news/2019/01/mongolia-speaker-ousted-ongoing-battle-corruption-190131063427925.html>.

¹¹ Aside from a combination of the abbreviation of Mongolia's two major political parties (MAN and AN), 'MANAN' is also a wordplay on the Mongolian word 'манан' which translates to 'fog', implying the nature of the alleged group of political elites controlling the government in the shadow.

¹² Peter Bittner, Mongolia's Crisis of Democracy Continues, *The Diplomat*, 2019, <https://thediplomat.com/2019/01/mongolias-crisis-of-democracy-continues>.

¹³ Government of Mongolia, The Constitution of Mongolia, https://iaac.mn/files/d8faf0f3-92d8-470f-bb01-clb0b25490be/15.Constitution_of_Mongolia.pdf.

¹⁴ Government of Mongolia, Criminal Code of Mongolia, accessed June

2020, https://www.unodc.org/res/cld/document/mng/2001/criminal_code_of_mongolia_html/Mongolia_Criminal_Code_2002.pdf.

¹⁵ Government of Mongolia, Law of Mongolia on Anti-Corruption, <https://iaac.mn/files/d8faf0f3-92d8-470f-bb01-clb0b25490be/1.Anti-Corruption%20Law%20of%20Mongolia.pdf>.

¹⁶ Government of Mongolia, Law of Mongolia on the Regulation of Public and Private Interests and Prevention of Conflict of Interest in Public Service, <https://iaac.mn/files/d8faf0f3-92d8-470f-bb01-clb0b25490be/2.Mongolian%20Law%20on%20Conflicts%20of%20Interests.pdf>.

¹⁷ Government of Mongolia, Law of Mongolia on Combating Money Laundering and Terrorism Financing, <https://iaac.mn/files/d8faf0f3-92d8-470f-bb01-clb0b25490be/17.Law%20on%20Combating%20Money%20Laundering%20and%20Terrorism%20Financing.pdf>.

¹⁸ Government of Mongolia, Law of Mongolia on Glass Account, <https://iaac.mn/files/d8faf0f3-92d8-470f-bb01-clb0b25490be/7.Glass%20account%20law%20of%20Mongolia.pdf>.

¹⁹ Government of Mongolia, National Anti-Corruption Strategy, <https://iaac.mn/files/d8faf0f3-92d8-470f-bb01-clb0b25490be/3.Mongolian%20National%20Anti-Corruption%20Strategy.pdf>.

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- ²² Organization for Economic Co-operation and Development, Anti-Corruption Reforms in Mongolia: Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, <https://www.oecd.org/corruption/acn/OECD-ACN-Mongolia-4th-Round-Monitoring-Report-2019-ENG.pdf>, pp. 35–39.
- ²³ *Ibid.*, p. 36.
- ²⁴ Anti-Corruption Reforms in Mongolia, pp. 37–38.
- ²⁵ President of Mongolia, Parliament Appoints Leadership of the Independent Authority against Corruption, <https://president.mn/en/2019/05/02/parliament-appoints-general-director-and-deputy-general-director-of-the-independent-authority-against-corruption>.
- ²⁶ Organization for Economic Co-operation and Development, Anti-Corruption Reforms in Mongolia: Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, <https://www.oecd.org/corruption/acn/OECD-ACN-Mongolia-4th-Round-Monitoring-Report-2019-ENG.pdf>, pp. 35–39.
- ²⁷ *Ibid.*
- ²⁸ *Ibid.*
- ²⁹ Government of Mongolia, Law on Information Transparency and Right to Information, <http://www.crc.gov.mn/en/k/xb/lq>.
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- ³¹ *Ibid.*
- ³² Extractive Industries Transparency Initiative, Mongolia Meets All Requirements of the EITI Standard, <https://eiti.org/news/mongolia-meets-all-requirements-of-eiti-standard>.
- ³³ Extractive Industries Transparency Initiative, The Philippines Recognized as the First Country to Achieve Satisfactory Progress against the EITI Standard, <https://eiti.org/news/philippines-recognised-as-first-country-to-achieve-satisfactory-progress-against-eiti-standard>.
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- ⁴¹ *Ibid.*
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- ⁴⁴ Freedom House, Freedom in the World 2019: Mongolia, <https://freedomhouse.org/country/mongolia/freedom-world/2019>.
- ⁴⁵ Inter-Parliamentary Union, Monthly Ranking of Women in National Parliaments, <https://data.ipu.org/women-ranking?month=6&year=2020>.
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- ⁴⁷ Transparency International, The High Costs Journalists Pay When Reporting on Corruption, <https://www.transparency.org/en/news/the-high-costs-journalists-pay-when-reporting-on-corruption>.
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III. Leadership and Multistakeholder Process

Political transitions and resulting lack of government engagement proved a significant obstacle to timely and collaborative co-creation of Mongolia's third OGP action plan. Civil society was initially involved in co-creation, however, the government later approved the action plan without consultation or procedural transparency.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Mongolia.

The Cabinet Secretariat of the Government of Mongolia continues its role as the lead agency for OGP in the country. It is directly responsible for engaging other ministries, government agencies, the private sector, and CSOs in the OGP process.

There is no legal basis that explicitly mandates the Cabinet Secretariat's role and function in leading the OGP process. However, Parliament Resolution No. 38 of 1996 designates that the Secretariat is required to support the Prime Minister of Mongolia by providing general advice on strategic policy, development programs, coordination, and monitoring and evaluation.¹ As these areas are key features of the OGP process, it follows that the Secretariat takes on the role of coordinating the OGP process.

During the development of Mongolia's first action plan, the Prime Minister of Mongolia established the OGP National Council² through Directive No. 61 of 2014. Operating as Mongolia's multistakeholder forum, the OGP National Council is headed by the Chief of the Cabinet Secretariat, with membership comprising three government and four civil society representatives. These members are appointed by the Prime Minister of Mongolia through Directive No. 2017 of 2015.³ The three government members represent the Ministry of Finance, the Ministry of Justice, and the Ministry of Foreign Affairs, while the four civil society members represent the National Chamber of Commerce and Industry, the Association of Mongolian Journalists, the Research Centre for Economic Policy and Competitiveness, and the Open Society Forum (OSF).

The OGP National Council met twice—once each in 2014 and 2016⁴—during the course of the first two action plans. However, civil society representatives confirmed that the Council did not convene throughout the process of developing the third action plan and thus did not carry out its key role as the country's OGP multistakeholder forum.⁵ According to Dorjdari Namkhajantsan, of the Mongolian chapter of the Natural Resource Governance Institute (NRGI), the limited involvement of government representatives was a critical challenge in action plan development.⁶ Undral Gombodorj, of Mongolia's Democracy Education Center (DEMO), a CSO that actively participates in Mongolia's OGP process, added that the Council failing to meet and respond to urgent matters resulted in delays in Mongolia commencing the action plan development process and subsequently missing the deadline for action plan submission in 2018.⁷ The IRM could not reach government stakeholders for comment.

Compounding matters, the results of the 2016 legislative election and the 2017 presidential election led to significant changes in the composition of parliament and thus legislative power—along with a restructuring of the bureaucracy across government. It follows that such changes detracted from other priorities, including the development and implementation of Mongolia's OGP action plan. Similarly, the appointment of new officials in key government posts, as well as the transfer of OGP responsibilities between government points of contact (POC), evidently impacted the government's capacity to lead and engage in the OGP process.

3.2 Action Plan Co-Creation Process

Mongolia was expected to publish its third action plan in August 2018, immediately after concluding the implementation of its second action plan. However, Mongolia did not meet this deadline, and as it also did not submit the action plan four months later, OGP informed the government that it had acted contrary to OGP process and the country shifted cohorts.⁸ The Cabinet Secretariat—as

Mongolia's OGP lead agency—did not officially commence the new action plan development process until August 2018.⁹

Civil society provided the impetus toward the development of the new action plan and, in anticipation of the upcoming third action plan cycle, approached the Cabinet Secretariat inquiring about the status of the development process. In May 2018, in response to government inaction, a coalition of CSOs arranged an independent public forum to raise awareness of the OGP process in Mongolia, sharing early achievements and key policy areas that were tackled through the first two action plans.¹⁰ Civil society used this forum to build a quick assessment of existing OGP implementation in Mongolia.¹¹

Thereafter, in July 2018, the civil society coalition organized another independent public forum. Participants of the public forum contributed ideas that could be used to select and inform potential focus areas of Mongolia's third action plan. While representatives from the government were present at the second forum, a civil society representative noted that many were unable to contribute substantively as they were entirely new to OGP process.¹² This was primarily due to changes in government bureaucracy and personnel following the elections. Despite this, the public forum led to the creation of several working groups, which were responsible for designing commitments according to the different thematic areas selected and prioritized by the public forum participants, including healthcare, education, information technology, budget and fiscal transparency, procurement and open contracting, government accountability, and environmental protection. While government officials were present, civil society representatives report that they largely acted as an "audience" and were not in sufficient positions of authority to approve or promise government action.

Civil society reported that the limited government leadership and involvement in the development of the action plan compromised the quality of the co-creation process.¹³ Dorjdari Namkhajantsan, of the Mongolian chapter of the NRGI, also noted that compared to the previous action plans, the level of communication and coordination between the Cabinet Secretariat and civil society stakeholders declined during the development of this action plan.¹⁴ In addition, the lack of high-level government representation at the public forum inhibited dynamic, collaborative decision making and resulted in an action plan that, according to an interviewed civil society representative, "repeats programs that the government was already doing, regardless of OGP".¹⁵

Despite awareness raising, Ariuntungalag Munkhtuvshin, of World Vision Mongolia,¹⁶ noted that it was difficult for someone who was new to OGP to participate in the co-creation process due to the lack of access to clear information regarding the procedure, timelines, and mechanism. Compounded by the absence of the Council, there was also no regular meeting that civil society could attend as the action plan development process progressed beyond the public forum.

Echoing these concerns, the CSO representative from DEMO also noted a sharp decline in the quality of Mongolia's co-creation process in the development of the third action plan.¹⁷ Reinforcing that the lack of information around the OGP process was a limiting factor, the representative also noted that inconsistent government action and a lack of clear leadership led to disillusionment and disengagement among civil society stakeholders, who argued that it was difficult to make meaningful contributions. These stakeholders stressed the need for the government to adopt and pursue measures to ensure stronger compliance with OGP's Participation and Co-Creation Standards.¹⁸

In developing this report, the IRM attempted to interview government officials who were part of the action plan development process. These included the Cabinet Secretariat, the Ministry of Finance, the Ministry of Health, the Communications and Information Technology Authority, and the Procurement Agency of the Government of Mongolia. However, despite multiple attempts, the IRM did not receive any response to the interview requests. The IRM also attempted to approach these stakeholders through relevant civil society representatives, but this also did not prove successful.

Despite a lack of information and clarity from the government regarding the progress and continuation of the OGP process, the Chief Cabinet Secretary issued Order #14 in January 2019 approving Mongolia's third action plan. As reiterated by civil society, there was no further

consultation with the public or civil society beyond the initial stages, as reported. While civil society played a pivotal role in initiating the development of Mongolia’s third action plan, the government did not participate substantively or proactively and, eventually, did not provide feedback on how CSO inputs, or those of the general public, were taken into account before the action plan was finalized.

As a result, the IRM finds that Mongolia did not meet the minimum threshold of ‘involve’¹⁹ for public participation in action plan development and has thus acted contrary to OGP process. According to IRM guidance, in order to meet the minimum threshold, the IRM seeks evidence of the provision of reasoned response on how public input informed the action plan development process.²⁰ The Government of Mongolia did not provide a reasoned response for the inclusion and exclusion of commitments in the final action plan.

Despite these challenges, Mongolia’s third action plan addresses a number of important open government themes such as procurement transparency and citizen participation in public service delivery. These policy areas are aligned with national strategies and are similar to both previous action plans. The action plan does not, however, demonstrate an increase in the level of ambition from previous action plans, with commitments either falling short of proposing activities that stand to transform business as usual, or lacking clarity in terms of their defined scope.

Table 4: Level of Public Influence

The IRM has adapted the International Association for Public Participation’s (IAP2) “Spectrum of Participation” to apply to OGP.²¹ 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 “collaborate.”

| Level of public influence | | During development of action plan |
|---------------------------|---|-----------------------------------|
| 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 ²² | The government gave feedback on how public input were considered. | |
| Consult | The public could give inputs. | ✓ |
| Inform | The government provided the public with information on the action plan. | |
| No Consultation | No consultation | |

OGP Participation and Co-Creation Standards

In 2017, OGP adopted OGP Participation and Co-Creation Standards to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

The following table provides an overview of Mongolia’s performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Key:

Green = Meets standard

Yellow = In progress (steps have been taken to meet this standard, but standard is not met)

Red = No evidence of action

Table 5. Multistakeholder Forum

| Multistakeholder Forum | Status |
|--|--------|
| 1a. Forum established: While an OGP National Council exists, it did not meet during development of Mongolia's third action plan. Government representatives attended thematic working groups but did not actively participate in discussions. | Yellow |
| 1b. Regularity: The OGP National Council did not meet during development of Mongolia's third action plan. A handful of working group meetings were held at the initial stage. | Yellow |
| 1c. Collaborative mandate development: The IRM did not find evidence that a mandate was collaboratively developed. | Red |
| 1d. Mandate public: There was no public information and/or document available on the multistakeholder forum's remit, mandate, and structure. | Red |
| 2a. Multistakeholder: The OGP National Council is intended to include both civil society and government representatives. | Green |
| 2b. Parity: The membership of the multistakeholder forum, based on its initial conception, comprised a diverse array of stakeholders from government and civil society. The continuation of this composition is unclear at present. | Yellow |
| 2c. Transparent selection: The IRM cannot assess this metric for the OGP National Council as it did not meet during the development of the third action plan. Invitation to participate in working groups was informal and lacked transparency. | Red |
| 2d. High-level government representation: Government participants in the co-creation process lacked decision-making authority and familiarity with OGP processes. | Red |
| 3a. Openness: Civil society representatives reported a lack of clarity on how to engage in the co-creation process. | Red |
| 3b. Remote participation: The IRM did not find evidence of remote participation. | Red |
| 3c. Minutes: The IRM did not find evidence of publicly available meeting minutes. | Red |

Table 6. Action Plan Development

| Action Plan Development | Status |
|--|--------|
| 4a. Process transparency: The IRM did not find evidence that the government provided public information on how to engage in co-creation or how the final action plan was ultimately determined. | Red |
| 4b. Documentation in advance: The government did not proactively provide clear information to stakeholders involved in the action plan development process. | Red |
| 4c. Awareness-raising: There was a preparation workshop to raise awareness of OGP and its process, but this was led entirely by civil society. | Yellow |
| 4d. Communication channels: There were no formal communication channels/protocols, but government and civil society stakeholders communicated during the initial stages of the action plan development process. | Yellow |

| | |
|--|-----|
| 4e. Reasoned response: The government did not open a public comment period prior to the submission of the action plan, nor did the government provide feedback on how stakeholder proposals were incorporated in action plan development. | Red |
| 5a. Repository: The government did not document, collect, and publish a repository of its OGP process as advised by OGP's IRM guidance . | Red |

¹ Cabinet Secretariat of the Government of Mongolia, The Legal Status of the Cabinet Secretary, , <http://cabinet.gov.mn/news.php?n=58>.

² Open Government Partnership, Independent Reporting Mechanism (IRM) Mongolia Progress Report 2016–2018, https://www.opengovpartnership.org/wp-content/uploads/2018/11/Mongolia_Mid-Term_IRM-Report_2016-2018_EN.pdf, p. 14.

³ Ibid.

⁴ Ibid.

⁵ Dorjdari Namkhajantsan (Natural Resource Governance Institute Mongolia), interview by IRM researcher, 15 June 2020.

⁶ Ibid.

⁷ Undral Gombodorj (Democracy Education Center), interview by IRM researcher, 17 June 2020.

⁸ Open Government Partnership, Mongolia – Notification of Late Action Plan (Cohort Shift) - January 2019, <https://www.opengovpartnership.org/documents/mongolia-notification-of-late-action-plan-cohort-shift-january-2019/>

⁹ Gombodorj, interview.

¹⁰ Ibid.

¹¹ Ibid.

¹² Gombodorj, interview.

¹³ Dorjdari Namkhajantsan, interview.

¹⁴ Dorjdari Namkhajantsan, interview.

¹⁵ Ibid.

¹⁶ Ariuntungalag Munkhtuvshin (World Vision Mongolia), interview by IRM researcher, 12 June 2020.

¹⁷ Gombodorj, interview.

¹⁸ Open Government Partnership, OGP Participation and Co-Creation Standards,

<https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

¹⁹ IAP2's International Federation, IAP2 Spectrum of Public Participation, , updated November 2018, https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf.

²⁰ Open Government Partnership, IRM Guidance on minimum threshold for involve, <https://www.opengovpartnership.org/wp-content/uploads/2020/02/IRM-Guidance-Involve.pdf>

²¹ IAP2's International Federation, IAP2 Spectrum of Public Participation, , updated November 2018), https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf.

²² Open Government Partnership, OGP's Articles of Governance also establish participation and co-creation requirements a country must meet in their action plan development and implementation to act according to OGP process. Based on these requirements, Mongolia acted contrary to OGP process during the development of the 2019–2021 action plan. See Articles of Governance, updated June 2019, https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values detailed in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹ Indicators and methods used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses can be found in the Annex of this report.

General Overview of the Commitments

Mongolia's third action plan comprises 13 commitments addressing several themes, including the improvement of public service delivery, civic participation, financial accountability, access to justice, and procurement and contract transparency. Commitments that relate to access to information build on Mongolia's strong performance in the area of extractive transparency—including the governance of state-owned enterprises, beneficial ownership transparency, and contract disclosure. A new theme—environmental protection—is introduced through Commitment 13 which addresses the issue of waste management, in collaboration with the Ministry of Environment and Tourism. The Ministry of Education, Culture, Science, and Sports also takes part in the OGP process for the first time as the responsible ministry for Commitment 2, which aims to encourage public participation in education services.

¹ Open Government Partnership, Articles of Governance, updated June 2019, https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf.

² Open Government Partnership, IRM Procedures Manual, updated September 2017, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

I. Improve the strategic procurement process for healthcare service, make quality monitoring transparent

Main Objective

To receive high quality healthcare service fitting with citizen's needs through the clients/service providers and enable information transparency.

Milestones

1. Convert the contract that health insurance agency makes with health service providers to performance and outcome based active contracting.
2. Renew healthcare service standards, guidelines and instructions in line with healthcare technology, citizens' needs, and scientific evidence.
3. Involve CSOs to take part in procurement process and tender evaluation as well as reporting procurement results.
4. Improve information transparency related with health insurance fund generation and spending and fully transform healthcare financing system to citizen-oriented digital information system.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|--|
| Verifiable: | Yes |
| Relevant: | Access to Information, Civic Participation |
| Potential Impact: | Moderate |

Commitment analysis

This commitment aims to reform Mongolia's health insurance financing and improve citizen access to high quality healthcare services. It aims to do this by increasing transparency and involving civil society in healthcare-related procurement and financing processes. The Ministry of Health and Ministry of Finance are responsible for the implementation of this commitment, in collaboration with relevant professional associations, healthcare-related CSOs, and the Mainstreaming Social Accountability in Mongolia (MASAM) project.

The action plan notes that the existing healthcare procurement and financing process is unsatisfactory due to a lack of transparency.¹ Specifically, at the time the action plan was developed, citizens did not have access to critical information on how healthcare institutions allocate and spend their budgets, even though such institutions are funded by public funds, through health insurance premiums and taxes. In 2018, the government allocated around 5.2 billion Mongolian Tugrik (MNT) (i.e. around USD 1.8 million) for primary healthcare. In 2019, the budget was increased threefold to 15.6 billion MNT (around USD 5.5 million).²

A review of Mongolia's healthcare system published by the World Health Organization (WHO),³ found that despite sustained funding, legal mandates,⁴ the introduction of healthcare reforms,⁵ and consistent improvements in health-related indicators, there remains a multitude of problems with the overall quality of care and efficiency. According to these reports, healthcare suffers from deficiencies in several areas, such as diagnostic capacity, essential medicines supply, and equipment availability.⁶ The reports confirm that the lack of transparency and citizen involvement in healthcare financing contribute to these deficiencies.⁷

This commitment is relevant to the OGP value of access to information as it proposes to improve the transparency of information related to health insurance budget allocation and spending by developing a digital information system. It is relevant to the OGP value of civic participation as it aims to involve civil society in the healthcare procurement and financing process.

This commitment is generally verifiable with measurable activities and milestones, such as the revised standards and guidelines, and information uploaded on a digital information system. However, the commitment does not specify the extent of information that will be made available on the proposed system, or the mechanisms of civil society participation in the procurement and tender process.

If fully implemented as written, this commitment stands to have moderate potential impact on the transparency and effectiveness of healthcare financing. Prior to this commitment, citizens and civil society could not influence healthcare financing, procurement, or tender decisions, or even access information related to health insurance budget allocation. This commitment would thus represent a significant improvement from the status quo.

The success of this commitment, however, depends on citizens and civil society being empowered to contribute meaningfully to decision making, and sufficient and relevant information being made easily accessible to inform this process. As the commitment does not outline clear measures to ensure this, the full scope of this commitment is difficult to assess. The commitment also proposes to renew healthcare service standards, guidelines, and instructions. While this may serve to institutionalize and sustain civil society participation in healthcare financing, key legislation, such as the Law on Citizens' Health Insurance 1994 would also have to be amended to reflect and give full effect to these changes.

Going forward, the Ministry of Health could consider broadening the spectrum of citizen participation and taking a more customized approach in safeguarding participation of vulnerable groups, such as people with disabilities, people in rural areas and in poverty, and gender and sexual minorities. Additionally, the mechanism for involving CSOs in the procurement process and tender evaluation needs to be clearly formulated and operationalized.

¹ Cabinet Secretariat of the Government of Mongolia, Mongolia OGP National Action Plan 2019–2021, https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf, pp. 1–2.

² World Health Organization, Universal Health Coverage through Strengthening Primary Health Care, <https://www.who.int/mongolia/news/feature-stories/detail/mongolia-progress-towards-universal-health-coverage-through-strengthening-primary-health-care>.

³ Tsilaajav Tsolomongerel, Serod Evlegsuren, Bulganchimeg Baasai, et al., Mongolia Health System Review, Asia-Pacific Observatory on Health Systems and Policies, 2013, https://apps.who.int/iris/bitstream/handle/10665/207531/9789290616092_eng.pdf.

⁴ Altantuya Jigjidsuren, Tumurbat Byambaa, Enkhjargal Antangerel, et. al., Free and Universal Access to Primary Health Care in Mongolia: The Service Availability and Readiness Assessment, BMC Health Services Research, 2019, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6381625>.

⁵ Chimeddagva Dashzeveg, Inke Mathauer, Erdenechimeg Enkhee, et. al., A Health Financing Review of Mongolia with a Focus on Social Health Insurance, World Health Organization, 2011, https://www.who.int/health_financing/documents/mongolia_oasis_health_financing_system_review.pdf.

⁶ Ibid.

⁷ Tsilaajav Tsolomongerel, Serod Evlegsuren, Bulganchimeg Baasai, et. al., Mongolia Health System Review, Asia-Pacific Observatory on Health Systems and Policies, 2013, https://apps.who.int/iris/bitstream/handle/10665/207531/9789290616092_eng.pdf.

2. Enable digital engagement of parents and community in operations of schools

- Develop web portal and mobile application for School Management Subsystem which is operating under the Education Management System (EMS) to ensure participation of parents, teachers, and the public, link to the EMS integrated database, portals, and platforms.
- Develop and implement School Management Subsystem for schools, parents, and teachers on introducing digital services at the schools.
- Develop and implement capacity building module through School Management Subsystem.
- Organize training, advertisement, awareness raising, and advocacy for the communities.

Main Objective

Enhance communication among parents, teachers, and schools, and enable environment for information exchange and monitoring through introduction of School Management Sub-System under the Education Management System in all secondary schools.

Milestones

1. Research and analyzing subsystem.
2. Develop School Management Subsystem/prepare teachers' information section for parents and caretakers.
3. Develop web portal for parents and caretakers.
4. Develop mobile apps for parents and caretakers.
5. E-content.
6. Finalization and implementation/introduction.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|--|
| Verifiable: | Yes |
| Relevant: | Access to Information, Civic Participation |
| Potential Impact: | Minor |

Commitment analysis

This commitment aims to improve the quality of education by facilitating community engagement in education management by connecting parents and guardians of students, teachers, and school management through a digital system across schools at the secondary level. Mongolia's Ministry of Education, Culture, Science, and Sports, as well as the Capital City Authorities of Ulaanbaatar, will be responsible for the implementation of this commitment along with civil society stakeholders from World Vision Mongolia and the Democracy Education Center (DEMO).

Prior to this commitment, the government was already operating an Education Management System (EMS) which was established through a partnership with the Asian Development Bank (ADB).¹ This system, however, is limited to storing education data online and does not support or facilitate active public participation in education-related decision making.² Through this commitment, the government aims to introduce a School Management Subsystem (SMS) to the EMS to be used as a communication channel between citizens and schools, and facilitate public participation in the operational management of schools in Mongolia. Currently, many parents face difficulties interacting with their children's schools in-person. Parents often need to travel long distances and cannot get the time off work. Resultantly, many public schools have social media pages where parents can get information and engage. However, it is difficult for parents to access records of their children's grades. Some private schools have web portals that enable teachers, school administration, and

parents to interact. This commitment seeks to create similar web portals across all public secondary schools.³

In 2012, DEMO launched its “Check My Service” initiative which used a community-based monitoring tool to assess transparency and responsiveness in a range of public services, including in public education (i.e. through the “Check My School” feedback portal).⁴ Through the use of community score cards and iterative consultations that brought together service recipients and service providers, the initiative led to a number of concrete changes in service delivery.⁵ In 2018, building on this success, DEMO, in partnership with the Ulaanbaatar City Governor’s office, introduced a mobile application under the initiative to allow citizens to submit complaints and petitions on the city’s local administration services.⁶ In implementing this commitment, the IRM recommends that the Ministry of Education, Culture, Science and Sports explores opportunities for synergy with this initiative.

The commitment is relevant to the OGP value of access to information as it proposes to introduce a new subsystem with education-related information, to inform community participation in associated decisions. The portal is envisioned to house information such as students’ grades, the school budget, lesson content, and possibly information from the Ministry of Education.⁷ The commitment is also relevant to the OGP value of civic participation as the objective of the commitment is to enhance communication among parents, teachers, and schools through the proposed system, and thus engage these stakeholders in collective decision making. The web portal and mobile app is intended to include the space for parents to comment on uploaded content and message teachers and school administrators. Ideally, unaddressed comments would be escalated up through the education administration.⁸

The commitment’s activities and milestones, including the development of the subsystem, web portal, mobile apps and e-content, are all generally verifiable. The commitment does not specify, however, the type of content to be uploaded on these portals or, crucially, how the portal will allow for community participation in decision making. Similarly, while the commitment proposes to finalize and implement the subsystem, it does not specify how such implementation will take place.

This commitment faces several limiting factors and challenges. First, the new subsystem and portals will be tested and implemented at five pilot secondary schools over the implementation period.⁹ The commitment’s scope could be further enhanced if it outlined a clear process to roll-out and expand the subsystem beyond the pilot schools in the capital. Second, internet penetration in Mongolia in 2018 was still at 47 percent,¹⁰ which means that more than half the population lacks access to the internet. Mobile penetration is slightly higher, with 55 percent of the population having mobile access in 2018.¹¹ These figures suggest a further limitation in the scope of this commitment. Finally, government ownership of the commitment may also prove to be a limiting factor. Civil society worked with representatives from the Ministry of Education and Finance to design the commitment. However, the representatives did not have decision-making power and therefore could not guarantee government action. Additionally, government turnover at the ministry level since the commitment was designed may also inhibit implementation.¹²

If fully implemented as written, this commitment would represent a positive, yet incremental step in improving the quality of education and education management. Stakeholders agree that the addition of a feature to the EMS, along with web and mobile portals, for parents to engage in education management could contribute to enhancing the quality of educational support that students receive.¹³ The use of digital channels may also help to address traditional barriers to in-person participation, including inflexible work arrangements, geographical challenges, and access to public transportation. The COVID-19 pandemic has forced schools in Mongolia to shift entirely to online learning. This has required the Ministry of Education to provide e-content and for parents to turn to online channels to engage with their child’s learning. Therefore, the current crisis has increased the relevance of this commitment.¹⁴ However, as the commitment does not specify the features of the sub-system or define how the portal will facilitate and promote community engagement, the full scope of this commitment is difficult to assess. Moreover, implementation plans are limited to the

capital region and many Mongolians do not have internet access. For those who do, school Facebook pages already provide a platform for school-parent interaction.

Going forward, the Ministry of Education could conduct a survey of service users to determine what mode of engagement would be best suited to facilitate meaningful participation in education management. In particular, noting limitations around access to online and digital platforms, the government could explore offline mechanisms for community participation and engagement, including the use of in-person community forums, or the appointment of multistakeholder education councils, as proposed in Afghanistan.¹⁵ Requiring schools and ministry officials to respond to parents' comments and concerns would raise the level of ambition of this commitment. Likewise, education providers could be encouraged to respond publicly to common questions and concerns. A clear process for escalating unaddressed parent feedback through the Ministry of Education would also help to facilitate a strong feedback loop. The government could also explore ways to expand the scope and value of the system from being used only to encourage more engagement between school and parents, to a system where the public could oversee other important areas of school operations, such as budget allocation and spending, enrollment processes, and teacher recruitment.¹⁶

¹ Undral Gombodorj (Democracy Education Center), interview by IRM researcher, 17 June 2020.

² Ibid.

³ Ariuntungalag Munkhtuvshin (World Vision), interview with IRM, 26 January 2021.

⁴ Undral Gombodorj, From Waste Disposal to Water Delivery: Citizen Empowerment through the Check My Service Initiative, Open Government Partnership, 17 August 2016, <https://www.opengovpartnership.org/stories/from-waste-disposal-to-water-delivery-citizen-empowerment-through-the-check-my-service-initiative/>

⁵ Ibid.

⁶ Tuguldur, G. 'Check my service' mobile application introduced to public, Montsame, 31 January 2018, <https://montsame.mn/en/read/133355>

⁷ Ariuntungalag Munkhtuvshin (World Vision), interview with IRM, 26 January 2021.

⁸ Ariuntungalag Munkhtuvshin (World Vision), interview with IRM, 26 January 2021.

⁹ Gombodorj, interview.

¹⁰ World Bank, Individuals Using the Internet (% of Population) - Mongolia, <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=MN>.

¹¹ Chintushig Boldsukh, Mongolia Sees Rapid Expansion of Smartphone Market with 1.7 Million Users, The UB Post, 2018, <https://www.pressreader.com/mongolia/the-ub-post/20180314/281586651117849>.

¹² Ariuntungalag Munkhtuvshin (World Vision), interview with IRM, 26 January 2021.

¹³ Gombodorj, interview.

¹⁴ Ariuntungalag Munkhtuvshin (World Vision), interview with IRM, 26 January 2021.

¹⁵ Open Government Partnership, CSO Monitoring of Education (AF0019), Afghanistan Action Plan 2019-2021, <https://www.opengovpartnership.org/members/afghanistan/commitments/AF0019/>

¹⁶ Global Partnership for Social Accountability, Improving Access to Education and Performance in Mongolia, <https://www.thegpsa.org/project/improving-access-education-and-performance-mongolia>.

3. Develop system that delivers public services online

Ensure transparency and openness of the government, increase productivity and efficiency of government operations, introduce advanced information technology achievements in the government operations, deliver online public services to citizens, change the public service to citizen-centered service, and accelerate operations to shift public services to online service for broader use.

Main Objective

Make government operations citizen-centered, shift public services to online and start broader use, deliver the public services to citizens quick, accessible, and equal ways.

Milestones

1. Conduct study on difficulties in shifting online public services, find solutions, and renew the list of public services to be shifted and have it approved by the Cabinet of the Government (Communications and Information Technology Agency).
2. Connect the online public service delivery system to government digital data system and create conditions for use of the systems (Communications and Information Technology Agency).
3. Improve legal environment related to online delivery of public services, make the services online, and introduce the online system step-by-step.
4. Develop web portal for Single Window Public Service system (Capital City Information Technology Agency).
5. Develop platform for municipal services (Capital City Information Technology Agency).
6. Link to Single Window Service and integrated platform (Capital City Information Technology Agency).
7. Introduce electronic system that provides 47 services provided by municipality to citizens (Capital City Information Technology Agency).
8. Review and evaluation (Capital City Information Technology Agency).
9. Enable improvement of citizens' digital engagement.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|---------|
| Verifiable: | Yes |
| Relevant: | Unclear |
| Potential Impact: | Minor |

Commitment analysis

This commitment aims to develop an online public service delivery system to improve access to quality public services. Mongolia's Communications and Information Technology Agency (CITA) will be in charge of the online system development in cooperation with multiple government agencies with key focus on public service delivery such as tourism, environment, transportation, and land administration. The Democracy Education Center (DEMO), a CSO, will also contribute to the implementation of this commitment along with several private sector entities.

The commitment is a follow-up to the Mongolia Sustainable Development Vision 2030 which was approved by the Parliament as Resolution No. 19 in 2016. The vision aims at shifting at least 85 percent of public service delivery to an online mechanism by 2030. In addition, Mongolia's Three Pillars of Development Policy 2018–2020 also contains an objective to ensure transparency of public services and develop online/digital services; similar to the State Policy on Information Technology Sector 2017–2025, which mandates the digitization of public services in expanded scope, as well as

the Action Plan for Combating Corruption 2017, which instructs the government to enable online public service delivery by building and strengthening an integrated system of online services.

In implementing this commitment, CITA will conduct a baseline study to determine which areas of public services could be delivered online and identify the potential challenges of doing so. Building on findings from this study, CITA would then begin the process of developing the online system while simultaneously strengthening the legal framework to support its roll-out. Once the system is online, CITA would work on replicating the system for public services at the municipal level. Specifically, this commitment targets the provision of up to 47 service areas through the online system.

At the time the commitment was designed, many public services could already be accessed online, even including opportunities for citizen monitoring of service delivery. For example, the ‘Check My Service’ platform—developed by DEMO in 2012—empowered citizens to monitor the compliance of public service agencies through its Community Score Card mechanism. By June 2016, this platform had performed citizen audits of 84 public service areas, such as education, healthcare, social services, public transportation, utilities, land administration, and waste disposal.¹

However, a recent annual report published by the Independent Research Institute of Mongolia that looks at a wide range of service areas showed that citizens in urban areas—where an online platform could reach a bigger audience—were dissatisfied with the quality of public services across all sectors, with the exception of mining, employment, and social insurance.² Furthermore, the report found that citizens in urban areas highlighted the lack of availability and insufficient capacity as major issues in accessing public services.³

This commitment, which seeks to consolidate and provide citizens with eGovernment services, is of unclear relevance to OGP values. The commitment does not propose to release, or improve access to, government-held information pertaining to these services. For an eGovernment commitment to enhance openness, the proposed system should involve government agencies proactively publishing data on public service delivery on the online platform. This data, if easily accessible, may then be used by citizens to identify gaps, scrutinize implementation, and formulate feedback for improvements in service delivery.

If fully implemented as written, this commitment stands to have minor potential impact on improving citizen access to public services. While the consolidation of services on a single platform will be an incremental improvement in citizens’ access to government services, it does not represent a major improvement from the status quo, as a number of services are already accessible online. There are also no provisions in the commitment’s design to guarantee increased access to government-held information, wider opportunities for citizen participation, and/or enhanced accountability of public service delivery.

Highlighting the importance of focusing on improving access to data and information around public service delivery, a recent DEMO assessment found that despite the enforcement of Mongolia’s Law on Information Transparency and Right to Information in 2011,⁴ many citizens were still unaware of their right to public information, especially relating to the efficiency and effectiveness of public service delivery. This is in line with findings in the 2019 OGP Global Report⁵ which noted an opportunity for Mongolia to develop commitments in the areas of open data, especially related to basic services, particularly water and sanitation, education, and healthcare.

In the framing of future commitments in this area, the government could thus consider proactive disclosure of government data through strong eGovernment platforms, such as the one proposed in this commitment. In addition, the government could also conduct public consultations to assess the success and failures of existing online public service delivery platforms and come up with solutions to these problems. By doing so, the government could then take measures to improve citizen satisfaction with online public service delivery individually depending on what is relevant in particular areas. While there is merit in integrating public services in a single online platform, it does not directly address the problems with the level of quality and capacity of public services that are available at large.

¹ Undral Gombodorj, From Waste Disposal to Water Delivery: Citizen Empowerment through the Check My Service Initiative, Open Government Partnership, 2016, <https://www.opengovpartnership.org/stories/from-waste-disposal-to-water-delivery-citizen-empowerment-through-the-check-my-service-initiative>.

² Independent Research Institute of Mongolia, Annual Report 2019/2020, <https://www.irim.mn/uploads/files/13/IRIM%202019-2020%20Annual%20Report%20English.pdf>, p. 27.

³ Ibid.

⁴ Government of Mongolia, Law on Information Transparency and Right to Information, <http://www.crc.gov.mn/en/k/xb/lq>.

⁵ Open Government Partnership, OGP Global Report: Volume 2, https://www.opengovpartnership.org/wp-content/uploads/2019/06/Global-Report_Volume-2.pdf, p. 165.

4. Ensure citizens' and CSOs' engagement in public procurements of health and road/transportation sectors

Undertake intensive actions to create integrated database on concessional loan projects/programs, aid projects and internationally funded programs/projects, and to ensure transparency and information disclosure to the public, establish systems to reflect the public opinion in the loan and aid programs, and enable participation of public and CSOs in the implementation and reporting of public procurement activities.

Main Objective

Increase citizens and CSO participation in procurement, contract performance and contract reporting in health and road/transport sectors, and improve effectiveness, efficiency, and quality of major part of public finance spending.

Milestones

1. Manage all information on the status of contract performance and all other data in the <http://opendata.tender.gov.mn> website in order to continue activities on making the government's procurement information compliant with international open contracting standard.
2. Report and discuss outcomes of civil and CSO engagement in procurement process to/by stakeholders on semi-annual basis.
3. Establish participatory sub-working group designated to identify needs based on participatory monitoring, and plan projects and activities for 2019 and 2020 grounded on Community Score Card results.
4. Establish National Consulting Team responsible for developing and guiding the participatory monitoring and oversight through selection in compliance with Articles 35–39 of Law on Public Procurement.
5. Select and establish participatory monitoring teams for health and road/transportation sector procurement in each *aimag* and capital city in accordance with Article 52.3 of Law on Public Procurement.
6. Create glass account portal designated to receive opinions and feedback of citizens and legal entities and resolve issues and concerns by relevant authorities.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|--|
| Verifiable: | Yes |
| Relevant: | Access to Information, Civic Participation |
| Potential Impact: | Transformative |

Commitment analysis

This commitment aims to enhance public participation in the procurement process, particularly in the health and transportation sectors. Mongolia's Ministry of Finance, specifically its Public Procurement Policy Division, along with civil society groups such as the Partnership for Procurement, MonFemNet National Network, and other OGP civil society stakeholders, will oversee the implementation of this commitment. Unlike Commitment I, which focuses on transparency and participation in healthcare financing, this commitment proposes to increase transparency and citizen engagement in procurement processes overall. By proposing to disclose more procurement-related information, the commitment builds on and leverages Commitment 9 of

the previous action plan,² which sought to promote a ‘glass account’ system to lower mandatory disclosure thresholds and increase transparency in budgetary spending.

Public participation in procurement processes was limited at the time this commitment was included in the action plan. More specifically, there was little to no engagement between the government and civil society in the process of enforcing and monitoring the implementation of public contracts in the health and transportation sectors. While the government has started to publish procurement information on the <https://www.tender.gov.mn> website, the information is not yet compliant with the international standards of open contracting transparency.³

Through this commitment, the government plans to publish procurement data on the web portal and achieve full compliance with the international Open Contracting Data Standards (OCDS).⁴ As the portal is developed, the government will facilitate the participation of civil society in monitoring the procurement process. The process will see the creation of working groups to identify key areas to monitor based on Community Score Card results. A national consulting team will be formed to guide the process in compliance with Articles 35–39 of the Law on Public Procurement.⁵ This commitment is, therefore, relevant to the OGP values of access to information and civic participation.

If fully implemented as written, this commitment stands to have transformative potential impact on the effectiveness and efficiency of public spending through enhanced transparency and public participation in procurement processes. The creation of a multi-sector procurement data portal would change business as usual in the practice of public procurement, as it would uniquely allow citizens to scrutinize the government’s contracting decisions—eventually even beyond the two sectors specified in this commitment. Compliance with OCDS would also provide citizens with easier access to information that would allow them to understand and be involved in the procurement process from beginning to end.

Going forward, the Ministry of Finance could incorporate a mechanism on the portal for government stakeholders to proactively respond to citizen feedback on government contracts and procurement-related decisions. Such a feature would be additionally impactful if it was supplemented with a strong enforcement mechanism, including for sanctions to be imposed on stakeholders, should the citizen monitoring process reveal contracting discrepancies.

In addition to strengthening the portal with an enforceable, public-facing feedback mechanism, the government could also consider publishing past procurement information for public scrutiny. It may also be beneficial to conduct an impact assessment identifying how the health and road/transportation sectors specifically benefit from citizen monitoring of procurement processes—the findings of which can inform efforts to expand the initiative across other sectors as well.

¹ This address returns with 503 Service Unavailable (accessed Jun. 2020). For clarity, this report will refer to the address at <https://www.tender.gov.mn> and not <http://opendata.tender.gov.mn>.

² Cabinet Secretariat of the Government Mongolia, Mongolia OGP National Action Plan 2016–2018, https://www.opengovpartnership.org/wp-content/uploads/2017/05/Mongolia-NAP2-Final-Eng_0.pdf, p. 18.

³ Open Contracting Partnership, Open Contracting Data Standard: Documentation, <https://standard.open-contracting.org/latest/en>. These include: publish early and iterate; improving disclosure step-by-step; simple and extensible JSON structure; publish data for each step of the contracting process; create summary records for an overall contracting process; reusable objects: organizations, tender information, line items, amounts, milestones, documents, etc; recommended data and documents at basic, intermediate, advanced levels; common open data publication patterns; guidance on improving data collection and data quality; a growing community of users and range of open source tools.

⁴ Ibid.

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

5. Increase civic engagement, enhance the transparency, and monitor Local Development Fund (LDF) project implementation

To create and make citizens' monitoring group operational at state great khural, government, *aimag*, capital city, district, *khoroos*, and *bags* for monitoring of LDF projects.

Main Objective

Not only citizens will be engaged in planning of LDF, but also citizens will be enabled to participate in implementation of LDF projects and the monitoring mechanism will be created for citizens' monitoring group/monitoring council.

Milestones

1. Preparation phase to create citizens' monitoring group at *bags* and *khoroos*.
2. Establishing phase to create citizens' monitoring groups.
3. Capacity building phase to capacitate citizens' monitoring group members.
4. Preparation for creating citizens' monitoring groups at *soums* and districts.
5. Creating *soum* and district citizens' monitoring groups.
6. Organize national consultative meeting.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|---------------------|
| Verifiable: | Yes |
| Relevant: | Civic Participation |
| Potential Impact: | Moderate |

Commitment analysis

This commitment aims to enable citizens to monitor the implementation of taxpayer-funded projects and programs under the Local Development Fund (LDF) through the creation of citizen monitoring groups. Mongolia's Ministry of Finance, specifically the Budget Consolidation Division, will coordinate with all budgetary governors and a coalition of civil society involved in the OGP process to implement this commitment.

Public access to information on the implementation of projects funded under the LDF as well as its budget allocation is currently limited. As a result, citizens cannot monitor project implementation and hold the government accountable. Through this commitment, the government aims to establish citizen monitoring groups at every *bag*,¹ *khoroos*,² and *soum*³ to undertake monitoring activities of LDF projects.

According to the Law on Budget,⁴ the LDF is allocated from the state budget to support local development and ensure equity of regions. In other words, the fund is channeled directly to local governments to finance projects that would improve the living standards of citizens. Furthermore, the law specifically mandates that the budgeting process to determine which projects would receive such funding must ensure community participation through open surveys and questionnaires, the results of which have to be prioritized.⁵

In 2016, The Asia Foundation found that 82 percent of citizens in 33 *khoroos* did not know about the LDF and their legal right to participate in project selection and implementation processes.⁶ As a result, The Asia Foundation expanded on its existing community mapping project, to open and increase citizen access to information around the LDF in their respective *khoroos*.⁷ Through this commitment, the government aims to supplement existing efforts to increase public awareness about LDF projects, to introduce citizen monitoring groups that will be part of the formal process of project decision making and monitoring of project implementation.

This commitment is relevant to the OGP value of civic participation as it proposes to strengthen public participation in the implementation and monitoring of LDF projects. The commitment is also generally verifiable as preparing, establishing, and building capacity of citizen monitoring groups are all adequately measurable milestones. The commitment could be more specific, however, in defining the composition and scope of the monitoring groups, including the extent to which the groups can enforce decisions in relation to LDF administration.

If fully implemented as written, this commitment would have moderate potential impact on improving LDF administration through citizen monitoring groups. The creation of the groups would represent a significant development from the status quo. In providing for such groups, the commitment will give partial effect to existing legal provisions mandating community participation in LDF allocation and administration.⁸ The introduction of these citizen groups will also supplement and leverage pre-existing initiatives to strengthen LDF administration, including civil society efforts to raise public awareness of the fund and engage in community mapping of associated projects.⁹

Despite this potential, the scope of this commitment is also linked to the, currently unclear, extent to which the proposed citizen monitoring groups will be able to influence and enforce decisions around LDF administration and to hold government officials accountable for effective implementation of the LDF projects. This, in turn, is contingent on the availability of accessible information on the projects; which is not a feature of this commitment. The commitment also does not describe the composition of the proposed groups, which could influence the extent to which the monitoring groups are able to effectively represent, and safeguard the interests of, diverse stakeholders in society.

Going forward, the government could take measures to incorporate clear mechanisms for the citizen monitoring groups to hold government accountable for LDF administration and ensure that the groups' composition is representative of diverse groups in society. The government could also identify existing initiatives that support LDF administration, such as the Asia Foundation's community mapping project,¹⁰ and collaborate proactively to strengthen overall results.

¹ Bag (subdistrict) is the third-level administrative unit in Mongolia.

² Khoroo (municipality subdistrict) is an administrative subdivision unit in the capital city of Ulaanbaatar, that is the equivalent of a bag.

³ Soum (district) is the second-level administrative unit in Mongolia.

⁴ Government of Mongolia, Law on Budget, <https://www.sabin.org/sites/sabin.org/files/Mongolia%20Budget%20Law%20%282012%29.pdf>, p. 3.

⁵ Ibid., pp. 63–64.

⁶ Ariunaa Norovsambuu, Local Development Funds Shift Decision-Making Power to Mongolia's Citizens, Asia Foundation, 2016, <https://asiafoundation.org/2016/05/18/local-development-funds-shift-decision-making-power-mongolias-citizens>.

⁷ Ibid.

⁸ The law on budget prescribes a range of other measures to facilitate public participation in decision making around the LDF, including the conduct of surveys and questionnaires to determine which projects should receive funding.

⁹ Philippe Long, Mongolia: Increasing Citizen Participation in Local Decision-Making, The Asia Foundation, 7 November 2018, <https://asiafoundation.org/2018/11/07/mongolia-increasing-citizen-participation-in-local-decision-making/>

¹⁰ Ibid.

6. Increase legal knowledge of the target group through multistakeholder legal guide

- Develop special program for legal education provision taking into account of the target group needs and elaborate implementation plan. Within this framework, legal guide system will be established based on existing capacity and human resources of OGP stakeholders. In addition, all digital information channels will be used, and materials will be distributed considering the accessibility of citizens to these channels.
- Improve conditions for target groups with special needs to deliver information on the rights of citizens as set forth in Law on Public Hearing, Law on Law Making, and General Administrative Law.

Main Objective

Create conditions that programs on providing legal education to citizens are implemented equal, accessible, and human rights-based manner.

Milestones

1. Conduct study to identify needs of target group and content of legal education program.
2. Develop methods and contents for sub-program on provision of legal education to the target group and elaborate plans for implementation.
3. Establish human resources to work as legal guides for target groups using the government and CSO partnership and develop and implement plan to ensure sustainable operations.
4. Carry out evaluation on the implementation of government functions to provide citizens with information and getting feedback, as set forth by Law on Public Hearing and General Administrative Law.
5. Develop and implement a plan for improving performance based on findings of outcome analyses of enforcement of legislations.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|-----------------------|
| Verifiable: | Yes |
| Relevant: | Access to Information |
| Potential Impact: | Moderate |

Commitment analysis

This commitment aims to enhance access to public legal education to ensure inclusive participation in the democratic process, with a specific focus on children, senior citizens, and people with disabilities, in compliance with the 2018 National Program for Improving Legal Education for All. Such education stands to empower citizens to know the law and their rights and entitlements, use the law to restore their rights if violated, and shape the law by participating in decision-making processes.¹ Administrative agencies across all levels of government will implement this commitment, in collaboration with the Mongolian Bar Association, the Open Society Forum (OSF), national media organizations, and other civil society groups.

The government introduced the National Program for Improving Legal Education for All in February 2018.² The program consists of 105 points of actions³ that would be implemented to strengthen legal education through legal information disclosure, promotion, training, assistance, and study. This is premised on the understanding that effective public legal education would give citizens—particularly the underrepresented such as women, the poor, and minorities—a better opportunity to assert their individual and property rights, encouraging recourse to legal advice, legal aid, and courts.⁴ Through this commitment, stakeholders propose to strengthen public legal education by

identifying unique needs of specific groups and, thereafter, appointing legal guides to provide legal information using a variety of inclusively accessible channels.

This commitment is relevant to the OGP value of access to information as it aims to improve public disclosure of legal information by utilizing legal guides, digital platforms, and other offline communication channels.

The Ministry of Justice and Internal Affairs, the National Legal Institute of Mongolia, and other academic institutions, regularly introduced a number of different policy initiatives and programs to promote public legal education, such as the National Human Rights Action Program in October 2003; the establishment of the Informal Legal Training Centre in February 2004; the ‘Digital Mongolia’ program in 2006; and the Action Plan for Protecting Human Rights in 2007 and 2008.⁵ These initiatives generally aimed to strengthen public legal consciousness through access to legal education, information, and training. However, despite such efforts, insufficient funding and a lack of consistency in approach meant that public legal education programs could not fulfill their mandates.⁶

According to a 2017 general population poll on legal needs and access to justice in Mongolia, only 59 percent of respondents knew where to get legal advice and information; with only 34 percent accessing some form of help.⁷ This lack of public legal knowledge is compounded by supply-side resource constraints, such as limited numbers of registered and practicing lawyers (2,077 in 2018),⁸ of which only 52 operated at legal aid centers.⁹ While there is limited socio-economic and demographic data of populations served by courts, previous project reports have found that public legal education and legal aid services were particularly important for minorities, persons with disabilities, and the poor, with women reflecting a greater share of assistance than men.¹⁰ For example, between 2012 and 2013, 69 percent of those served by a legal aid clinic in a poor district in Ulaanbaatar were women.¹¹

This commitment is expected to have a moderate potential impact on citizens’ access to justice in Mongolia. Importantly, this legal education initiative takes into consideration the information needs and preferred formats for various marginalized communities in Mongolia. Legal materials will be tailored to groups based on factors such as age, gender, rural or urban location, and education level. This is particularly important in Mongolia, where there are significant differences between the rural and urban population. Citizens in rural areas will receive illustrated comic books that communicate legal information, with numbers for hotlines and websites to access further information. Written material will be complemented by video and radio formats. D. Sunjid, from the Ministry of Justice and Internal Affairs, shared that legal outreach will include short videos on social media that contain quick and concrete messages.¹² Prioritizing customized legal outreach according to citizens’ needs and abilities greatly strengthens this commitment’s potential impact to increase citizens’ legal knowledge.

¹ Bujinlkham Tseveendorj, Impact of Informal Education on Legal Education of Citizens, October 2019, https://www.researchgate.net/publication/336823512_AWARENESS-OF-CITIZEN-ON-LEGAL-EDUCATION12

² Batchimeg B., Enhancing Public Legal Education Program to be Implemented, Montsame News Agency, 2018, <https://montsame.mn/en/read/133620>.

³ Ibid.

⁴ World Bank, Implementation, Completion and Results Report—Enhanced Justice Sector Services Project, 26 December 2013, Report No. ICR00002885,

<http://documents1.worldbank.org/curated/en/567001468053412416/text/ICR28850P101440IC0disclosed01060140.txt>

⁵ Bujinlkham Tseveendorj, Impact of Informal Education on Legal Education of Citizens, October 2019, https://www.researchgate.net/publication/336823512_AWARENESS-OF-CITIZEN-ON-LEGAL-EDUCATION12

⁶ World Bank, Implementation, Completion and Results Report—Enhanced Justice Sector Services Project, 26 December 2013, Report No. ICR00002885,

<http://documents1.worldbank.org/curated/en/567001468053412416/text/ICR28850P101440IC0disclosed01060140.txt>

⁷ World Justice Project, WJP Global Insights on Access to Justice,

<https://worldjusticeproject.org/sites/default/files/documents/Access-to-Justice-2019-Mongolia.pdf>, p. 73.

⁸ Uyanga Delger, Independence of Lawyers in Mongolia, Jargal DeFacto, 2017, <https://jargaldefacto.com/article/independence-of-lawyers-in-mongolia>.

⁹ Chimedbaldir Jadamba, Legal Aid in Mongolia (National Report), Legal Aid Foundation, 2018,

[https://www.laf.org.tw/ifla2018/upload/2018/10/National%20Report%202-](https://www.laf.org.tw/ifla2018/upload/2018/10/National%20Report%202-6_Mongolia_Prof.%20Chimedbaldir%20Jadamba_all.pdf)

[6_Mongolia_Prof.%20Chimedbaldir%20Jadamba_all.pdf](https://www.laf.org.tw/ifla2018/upload/2018/10/National%20Report%202-6_Mongolia_Prof.%20Chimedbaldir%20Jadamba_all.pdf)

¹⁰ World Bank, Implementation, Completion and Results Report—Enhanced Justice Sector Services Project, 26 December 2013, Report No. ICR00002885,

<http://documents1.worldbank.org/curated/en/567001468053412416/text/ICR28850P101440IC0disclosed01060140.txt>

¹¹ World Bank, Implementation, Completion and Results Report—Enhanced Justice Sector Services Project, 26 December 2013, Report No. ICR00002885,

<http://documents1.worldbank.org/curated/en/567001468053412416/text/ICR28850P101440IC0disclosed01060140.txt>

¹² D. Sunjid. Project Coordinator, Civic Engagement Project, Ministry of Justice and Internal Affairs Mongolia. East Asia Pacific Justice for All Webinar. Open Government Partnership, NAMATI, Pathfinders, BLAST. 28 October 2020, <https://fb.watch/3sVz7dCvks/>

7. Citizens' satisfaction survey

- To revise and approve citizens' satisfaction survey form and improve the research methodology.
- Undertake citizens' satisfaction survey and take measures in response to the survey results.
- Disseminate the survey findings through multiple channels.

Main Objective

Conducting a regular, scientific, and independent citizens' satisfaction survey on annual basis provides an assessment on effectiveness, efficiency, quality of, and accessibility of public services delivered to the citizens by government. The survey also evaluates the implementation of central and local government policies and government performance. Hence, it enables citizens' input/survey findings to be reflected in future policy planning and development and implementation of action plan for addressing citizens' needs. Therefore, it determines the voices of the citizens effectively, thus creating a conducive environment where citizens can directly participate in policy planning, monitoring, and evaluation. Moreover, in the long run, it will create Mongolia's citizens' satisfaction index.

Milestones

1. Revise/modify the citizens' satisfaction survey form and research methodology on the basis of the 2018 survey findings, conclusion, and recommendations, and have the revised documents approved.
2. Develop relevant terms of reference and undertake procurement for selecting external organizations to conduct the survey.
3. Present the survey findings at the cabinet meeting and develop and deliver conclusions and recommendations to 21 *aimags*, the Municipality of Ulaanbaatar, and ministries.
4. Disseminate survey findings to the public.
5. Record survey findings and results of action plan implementation in M&E system at the Cabinet Secretariat and make the system available for the public to access the data.
6. Carry out trainings on using survey findings in operational and policy planning for government organizations.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|--|
| Verifiable: | Yes |
| Relevant: | Access to Information, Civic Participation |
| Potential Impact: | Minor |

Commitment analysis

This commitment aims to revamp and improve the annual survey of citizen satisfaction of government performance. The results of the survey will then be used to develop a citizen satisfaction index which can be used to inform the government on which areas of public services need to be improved to meet citizens' needs. Mongolia's Cabinet Secretariat is responsible for leading implementation of this commitment, along with the Mainstreaming Social Accountability in Mongolia (Masam) Project,¹ the National Academy of Governance, the National Statistics Office, and other research institutions and civil society groups.

Through this commitment, the government will develop an independent research mechanism to evaluate government policies and decisions, and ensure citizen engagement in the process of planning, implementing, and monitoring government policies.² The mechanism will then be used to

conduct an annual, evidence-based, independent survey on the satisfaction level of citizens on the effectiveness, efficiency, accessibility, and quality of public service delivery through a public survey.³

An OECD report highlighting citizen satisfaction with public services notes that citizen satisfaction could be an important outcome indicator of overall government performance.⁴ The measurement of citizen satisfaction regarding public service is theoretically a very important part of establishing a citizen-centric approach to public service delivery. While it may not reflect the actual levels of effectiveness and efficiency of public service delivery, the government could use the data on public perception of how they perform to identify key areas for improvement as well as where strong performance could expand and enlarge its impact on the welfare of the citizens.

Building on the results of the 2018 citizen satisfaction survey, the government aims to enhance the quality of the survey by developing new mechanisms as well as proactively disseminating the results to government at the *aimag*⁵ level. The Cabinet Secretariat will take the lead in ensuring that the survey results are used across government in planning future policies through a series of trainings. Data analysis of the survey results would then be used to develop a citizen satisfaction index for the government to use in identifying their strengths and weaknesses in public service delivery.

This commitment is relevant to the OGP value of civic participation as it aims to involve citizens in policy and decision making around government service delivery through regular citizen surveys. It is also relevant to the value of access to information as it proposes to disclose and disseminate the survey findings.

If fully implemented as written, this commitment stands to have minor potential impact on the overall efficiency and effectiveness of public services and public service delivery. A well-designed and regular survey of citizen priorities will allow government to better identify gaps in service delivery and respond to citizen needs. However, in proposing to revamp the existing annual survey process, the primary activity under this commitment represents an incremental improvement in the status quo. The success of this commitment is also contingent on the government using the survey findings to design and implement programs to improve services and address gaps identified by citizens. While a commitment milestone proposes to carry out trainings on how to use the survey findings, the commitment does not specify whether citizens will be able to participate in this process, or outline any provision for the government to provide a reasoned response on how the survey findings informed related decisions.

Going forward, the government should ensure that citizens are included in other aspects of public service improvement, beyond surveys, to identify gaps. The government could, for instance, involve citizens in decision making around the design of programs and initiatives, and introduce mechanisms to facilitate citizen or civil society monitoring of implementation. The government could also further strengthen the scope and impact of citizen surveys and the identification of service gaps by engaging civil society, such as the Democracy Education Center (DEMO), whose Check My Service platform has carried out citizen audits of several public services. Collaboration with the Check My Service platform, and/or other partners, could help the government reach a wider audience, as well as tailor the survey individually for each service area.

¹ For more information, see <http://www.irgen-tur.mn/en/what-is-masam>

² Cabinet Secretariat of the Government Mongolia, Mongolia OGP National Action Plan 2019–2021, https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf, p. 16.

³ Ibid.

⁴ Organization for Economic Co-operation and Development, Government at a Glance, https://www.oecd-ilibrary.org/docserver/gov_glance-2013-56-en.pdf?expires=1594223267&id=id&accname=guest&checksum=9E0B882FBA648446036D1D74F803AEFF, p. 166.

⁵ Aimag (province) is the first-level administrative unit in Mongolia. Ulaanbaatar is a *niislel* (capital city), which is at the same administrative level as an *aimag*.

8. Create legal environment for transparency of political parties financing

- Devote attention for renewing Law on Political Parties and speed up the process to develop the draft law and submit the draft for adoption.
- Disseminate information on submission and discussion of the bill to/by parliament and conduct broader advocacy activities with participation from OGP stakeholders.

Main Objective

Improve Law on Political Parties to make the financing and spending more responsible, accountable, and transparent.

Milestones

1. Carry out study on inclusion of transparency of political parties financing requirements in the Law on Political Parties, develop draft law, and submit to parliament.
2. Provide public with information, present the draft law to attract their support, and organize discussions for feedback and comments based on multistakeholder approach at broader level.
3. Organize activities to get pledges and commitment from political parties to support the draft law with presence of the public.
4. Carry out advocacy work in partnership with OGP stakeholders until the bill is adopted.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|--|
| Verifiable: | Yes |
| Relevant: | Access to Information, Civic Participation |
| Potential Impact: | Minor |

Commitment analysis

This commitment aims to establish the legal framework to mandate political party finance transparency, through an amendment to the Law on Political Parties.¹ A nearly identical commitment (Commitment 4) was included in Mongolia's second action plan. Despite the creation of special task forces and civil society advocacy, the commitment did not result in parliament passing an amendment of the law.² Mongolia's National Audit Office, General Department of Taxation, Independent Agency against Corruption, National Chamber of Commerce and Industry, political parties, and civil society groups that specialize in transparency and anti-corruption, will work together to implement this commitment.

Political party financing is a prominent and contentious issue in Mongolia, especially during elections.³ High-profile corruption scandals⁴ have substantiated multiple surveys that confirm that citizens often perceive political parties to be highly vulnerable to corruption.⁵ Currently, the Law on Political Parties mandates that political parties conduct annual financial audits and publish the audit report.⁶ However, the law does not mandate a clear mechanism for ensuring transparency of political party financing, noting that political parties should exercise their own financial control. The lack of adequate financial transparency is particularly problematic as political parties are subsidized by the state budget.

Building on the 2019 constitutional reform process, this commitment aims to give effect to provisions on political party financing through amendments to the Law on Political Parties. The amendments will broadly require political parties to adopt and promote a program to democratize internal structures and ensure transparency of their assets, income sources, and expenditures.⁷

However, it is not clear from the commitment text what the amendment will specifically contain and therefore its potential impact on transparency of political party financing is not clear.

In 2018, the International Institute for Democracy and Electoral Assistance (IDEA) and the Open Society Foundation (OSF) published their assessment and recommendations for political financing in Mongolia.⁸ The assessment emphasizes the importance of creating a legal regulatory framework that would encourage political parties to source transparent public donations over often obscure private funds.⁹ It also recommends that the parliament reforms the structure of government subsidies for political parties as a means to curb the prevalence of corporate funds in politics. For example, the report outlines the problem with Mongolia's current distribution model of political party funding of the state budget, which takes into account the number of seats a party has in the parliament instead of the number of votes that they received in the most recent election.¹⁰ This model makes it difficult for smaller political parties to challenge the traditional powers of Mongolia's political system and furthers the gap between established political parties and smaller, newer ones.

This commitment is relevant to the OGP value of access to information as the passage and approval of the amended law by parliament will mandate improved transparency of political party financing. The commitment also proposes to disclose information through the development of the draft amendment. The commitment is also relevant to the value of civic participation as it proposes to organize a series of discussions for feedback and comments on the draft; which will provide citizens an opportunity to contribute to the drafting of the amendment.

While the commitment is generally verifiable, the description of activities could be more specific. For instance, the commitment proposes to provide the public with information on the draft amendment and conduct discussions for feedback and comment without specifying how such information will be communicated, or the number or nature of discussions that will be held. The commitment also does not indicate how public feedback will inform the development of the draft amendment, or whether the government is obliged to provide reasoned responses on how such feedback was incorporated.

This commitment's potential impact on transparency in political party financing is evaluated as minor. This commitment is largely identical to Commitment 4 in the previous action plan.¹¹ Both iterations are evaluated to be minor due to the lack of information on what the amendment to the law would seek to change. The absence of detail makes it difficult to assess the commitment's likely impact on political finance transparency. If the legislative amendment included mandates to disclose political party assets, sources of income, and expenditure, for example, this commitment would represent a significant improvement from the status quo where political party financing is largely shrouded in secrecy.¹²

Moreover, the previous action plan demonstrates that the effort to pass such an amendment will require strategic and sustained advocacy of parliament and relevant political stakeholders; a clear plan for which this commitment fails to fully describe. The success of the commitment is also contingent on the scope and content of the eventual amendment; and its capacity to facilitate oversight and enforce or compel political parties to fully adhere to its provisions.

In implementing the commitment, stakeholders should focus on formulating and executing a clear plan to carry out advocacy and lobby parliament to pass the amendment. This plan could leverage and consolidate the work of various programs and initiatives that publicize and promote transparent political financing; including, for instance, the OSF and International IDEA's "Level Up: Political Finance with Integrity", which organizes meetings and discussions on political finance, including women and youth.¹³

The scope of the amendment itself will be enhanced if it successfully addresses the key gaps in political party financing in Mongolia, as identified by OSF and International IDEA.¹⁴ The amendment should mandate the disclosure of political party assets, income, and expenditures. Specifically, legislators should consider introducing provisions to mandate publication of post-electoral and annual reports, as well as reviews by the relevant oversight authority, via multiple channels and a searchable database. The disclosed information should also be kept available for a reasonable period

of time.¹⁵ If such provisions were included, this commitment would represent an ambitious open government reform in a critical policy area.

¹ Government of Mongolia, Law on Political Parties, <https://www.legislationline.org/documents/id/18370>.

² Open Government Partnership, Independent Reporting Mechanism (IRM) Mongolia End-of-Term Report 2016–2018 https://www.opengovpartnership.org/wp-content/uploads/2020/08/Mongolia_End-of-Term_Report_2016-2018_EN.pdf, p. 22–23.

³ Undral Gombodorj (Democracy Education Center), interview by IRM researcher, 17 June 2020.

⁴ Julian Dierkes, Mongolia Hamstrung by Political Paralysis and Corruption, East Asia Forum, 2019, <https://www.eastasiaforum.org/2019/02/01/mongolia.-hamstrung-by-political-paralysis-and-corruption>.

⁵ Independent Reporting Mechanism (IRM) Mongolia End-of-Term Report 2016–2018, *Ibid.*, p. 21.

⁶ *Ibid.*, pp. 9–10.

⁷ Munkhsaikhan Odonkhuu, Mongolia’s Long, Participatory Route to Constitutional Reforms, Constitution Net, January 2020, <http://constitutionnet.org/news/mongolias-long-participatory-route-constitutional-reforms>

⁸ Catalina Uribe Burcher & Fernando Casal Bértoa, Political Finance in Mongolia: Assessment and Recommendations, International Institute for Democracy and Electoral Assistance & Open Society Forum, 2018, <https://www.idea.int/sites/default/files/publications/political-finance-in-mongolia.pdf>.

⁹ *Ibid.*, pp. 25–26.

¹⁰ *Ibid.*, p. 27.

¹¹ Open Government Partnership, Independent Reporting Mechanism (IRM) Mid-Term Report Mongolia 2016–2018, <https://www.opengovpartnership.org/documents/mongolia-mid-term-report-2016-2018-year-1/>

¹² Catalina Uribe Burcher & Fernando Casal Bértoa, Political Finance in Mongolia: Assessment and Recommendations, International Institute for Democracy and Electoral Assistance & Open Society Forum, 2018, <https://www.idea.int/sites/default/files/publications/political-finance-in-mongolia.pdf>.

¹³ Open Society Forum, Annual Report 2017 (not available online).

¹⁴ *Ibid.*

¹⁵ *Ibid.*

9. Improve governance of state-owned enterprises

Improve legal framework for enhancing governance of state-owned and public companies, build qualifications for advanced governance, ensure information transparency, conduct independent evaluation on governance and provide recommendations, reporting outcomes, ensure directors are elected through fair principles, improve corporate responsibility, and strengthen internal oversight.

Main Objective

Improving governance of state-owned and public companies.

Milestones

1. Improve legal framework for strengthening state-owned and public company's governance.
2. Establish training for advanced level corporate governance and issue certificates.
3. Ensure governance and operational transparency of state-owned and public companies.
4. Create system for conducting independent evaluation on corporate governance, providing recommendations, and reporting outcomes.
5. Establish a system for the selection of directors and executives that are made with public participation in open and transparent ways.
6. Create corporate social responsibility, internal audit, and risk-based control system for state-owned and public companies.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|---------------------|
| Verifiable: | Yes |
| Relevant: | Civic Participation |
| Potential Impact: | Minor |

Commitment analysis

This commitment aims to improve the governance of state-owned enterprises (SOEs) by improving the legal framework, building capacity, and implementing transparent and open processes. Mongolia's Cabinet Secretariat will collaborate with central state administrative agencies in charge of justice, budget and finance, and property, as well as the National Center for Corporate Governance, the Mongolian Stock Exchange, the National Chamber of Commerce and Industry, and several unions to implement this commitment.

This commitment is in line with several domestic policies that promote improved governance of SOEs, such as the Policy for Overcoming Economic Downturn; the National Production Program; the National Anti-Corruption Program, and also the Government of Mongolia's 2016–2020 Action Plan, which explicitly includes an objective on improving governance and social responsibility of state-owned and public companies. The commitment also represents a continuation of a commitment on the transparency of SOEs (Commitment 13) from the previous action plan.¹ The IRM found that this moderately ambitious commitment only achieved limited completion and led to a marginal opening of government through the participation of SOE officials in training and workshops on transparent financial reporting standards. The current commitment, however, is distinct from the previous commitment in that it focuses less on transparency and more on strengthening the legal framework and selecting and building the capacity of SOE officials.

Given the focus on improving governance through training and capacity building, this commitment is of limited relevance to OGP values. However, as milestone 5 proposes to facilitate public participation in the selection of SOE directors and executives, this commitment can be considered relevant to the value of civic participation.

As of 2017, there were more than 70 operating SOEs in Mongolia;² even though the government has been privatizing such enterprises, either in full or partially, for many years. The Government Agency for Policy Coordination on State Property and Regulation oversees these enterprises but does not publish a complete list of active state-owned enterprises. In 2019, the Natural Resource Governance Institute (NRGI) reported that Erdenes Mongol, a holding company that primarily manages the government's strategic interest in the mining sector, was Mongolia's most influential SOE—with around 9.36 billion MNT (3.9 billion USD) in assets at the end of 2017.³ Despite this, Erdenes Mongol does not pay dividends to the state treasury or publish financial data of its subsidiaries.⁴ This situation is symptomatic of the general lack of transparency and accountability in the governance of SOEs. At the time this commitment was proposed, there were no laws that explicitly regulated the governance and operation of SOEs in Mongolia.

If fully implemented as written, this commitment stands to have minor potential impact on improving the governance of SOEs and public companies. The proposed improvement of the legal framework, the provision of training on corporate governance, increases in operational transparency, independent evaluations, and the promotion of corporate social responsibility would all collectively represent a positive step forward in the governance of SOEs. However, the milestones and activities outlined under this commitment—while generally verifiable—lack specificity in what they set out to do.

In order to meaningfully improve SOE governance, the proposed improvements to legislation would have to focus on crucial and relevant issues; the measures to ensure operational transparency would have to consider current failures and shortcomings, such as the non-disclosure of financial data; and public participation in the selection of directors and executives would have to ensure that citizens are able to influence related decision making. The commitment does not specify how any of this will be operationalized which, in turn, limits an assessment of its scope.

In future action plans, stakeholders can improve commitment design by increasing the specificity of milestones and activities by clearly outlining what they intend to do. This will not only enable a better assessment of the commitment's scope, but it will also facilitate the effective implementation and achievement of specific objectives.

¹ Open Government Partnership, Independent Reporting Mechanism (IRM) Mongolia End-of-Term Report 2016–2018 https://www.opengovpartnership.org/wp-content/uploads/2020/08/Mongolia_End-of-Term_Report_2016-2018_EN.pdf, p. 21.

² News M, Mongolia to Cut Number of State-Owned Enterprises, <https://news.mn/en/741542>.

³ Andrew Bauer & Dorjdari Namkhajantsan, Wild Growth: An Assessment of Erdenes Mongol, Natural Resource Governance Institute, 2019, <https://resourcegovernance.org/sites/default/files/documents/wild-growth-an-assessment-of-erdenes-mongol-full-report.pdf>, p. 1.

⁴ *Ibid.*, p. 3.

10. Transparency of Beneficial Owners

Create legal environment for beneficial ownership transparency of extractive sector companies, license holders, their operators, suppliers, and beneficial owners of concentrator and beneficiation plants, and disclose the beneficial owners through the digital database.

Main Objective

Legal environment for transparency of beneficial owners and digital database of beneficial ownership created and data disclosed to public.

Milestones

1. Organize joint meeting of the Members of Parliamentary Standing Committee for Economics, representatives of government ministries, extractive companies, and civil society to discuss creating legal environment for disclosure of beneficial ownership.
2. Get the concept notes for revisiting the Extractive Sector Transparency Bill and other legislations approved, carry out necessary assessment, analyses and calculations, adopt the law.
3. Collect data on beneficial owners, store in the database, and disclose to public.
4. Organize advertisement and awareness-raising measures for legal entities and other stakeholders on the requirement on disclosure of beneficial owners.
5. Carry out midterm and final evaluation on enforcement of laws and implementation of action plan.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|--|
| Verifiable: | Yes |
| Relevant: | Access to Information, Civic Participation |
| Potential Impact: | Moderate |

Commitment analysis

This commitment aims to establish the legal framework required for the implementation of beneficial ownership transparency in the extractive sector, including through the creation of an online database that is available for public access. Mongolia's Cabinet Secretariat and Ministry of Mining and Heavy Industry are responsible for the implementation of this commitment, in cooperation with the Ministry of Justice and Internal Affairs, the Bank of Mongolia, the General Agency for State Registration, the Ministry of Finance, the Independent Agency against Corruption, and the Mineral Resources and Petroleum Authority. A group of organizations which includes the Extractive Industries Transparency Initiative (EITI), Publish What You Pay (PWYP), Open Society Forum (OSF), and Natural Resource Governance Institute (NRGI) will also collaborate with the government on this commitment.

This commitment builds on the progress made by Mongolia in the previous action plan cycle through Commitment 12 on the transparency of beneficial ownership information in the mining sector.¹ Beyond participating in discussions and workshops on beneficial ownership, the government made limited progress on this commitment as it did not establish a database to disclose beneficial ownership information.² However, a separate civil society initiative, led by the NRGI and Transparency Fund NGO in 2018 resulted in the launch of a website, <https://iltodezed.wordpress.com>.³ By the end of 2018, the website has disclosed beneficial ownership information of 50 mining companies.⁴

Through the current commitment, the government plans to organize a multistakeholder meeting to discuss and revisit key legislation around beneficial ownership transparency. The government also

aims to collect and publish data of beneficial owners on a database, while also raising public awareness of the database. This commitment is therefore relevant to the OGP values of access to information and civic participation.

Although a number of extractive sector companies have already shared their beneficial ownership information, such practice is voluntary, as existing laws do not mandate or enforce such disclosure.⁵ Thus companies can conceal beneficial ownership information without the threat of sanction.

Despite this, in 2018, the Extractive Industries Transparency Initiative (EITI) reported⁶ that Mongolia successfully met a “satisfactory” level of progress in implementing EITI standards⁷—making them only the second country to do so after the Philippines.⁸ However, while the disclosure of beneficial ownership is included in EITI Standard’s validation, it is only included as a recommendation and is therefore not taken into account in assessing compliance.

According to Mongolia’s Roadmap for the Disclosure of Beneficial Owners Information within the EITI Standard 2016–2020,⁹ the government was scheduled to begin the disclosure of beneficial ownership information between January and July 2019, which falls within the same timeframe as Mongolia’s OGP action plan. As the publication of beneficial ownership information begins, the government would then integrate the database to other existing electronic data systems,¹⁰ such as:

- EITI Mongolia Data Portal at <https://e-reporting.eitimongolia.mn> (operated by EITI Mongolia)
- National Legal Center portal at <https://www.legalinfo.mn> (operated by the Ministry of Justice and Interior of Mongolia)
- Computerized Mining Cadastre System (CMC) at <https://cmcs.mrpam.gov.mn> (operated by the Mineral Resources and Petroleum Authority of Mongolia)
- Open contracting portal at <http://www.iltodgeree.mn> (operated by the Open Society Forum)
- Glass account portal at <http://www.shilendans.gov.mn> (operated by the Cabinet Secretariat of the Government of Mongolia)

If fully implemented, this commitment stands to have moderate potential impact on the transparency of beneficial owners in the extractives sector and, therefore, on combatting possible corruption within it. Highlighting the importance of this commitment, Mongolia benefits significantly from activities in the extractive sector—with the sector accounting for at least 23 percent of its GDP on average.¹¹ Despite some progress in the context of voluntary beneficial ownership disclosure, efforts to revise and thereafter, effectively implement and enforce strong legislation on beneficial ownership transparency stands to bring about a significant improvement in ensuring consistent and greater transparency of extractive companies.

Although the commitment’s overall success relies on approving, adopting, and enforcing the legislation—including the Bill on Extractive Sector Transparency—the commitment aims to ease such passage by bringing key stakeholders together to discuss the necessary changes. It is difficult to determine the extent to which the proposed discussion will contribute to or directly result in legislative changes and adherence to the law.

The commitment also aims to publish the mandatorily disclosed information on a database—or a beneficial ownership register—and raise public awareness on disclosure requirements. This, along with efforts to evaluate the implementation of the law, is likely to raise pressure on extractive companies to properly and fully adhere to disclosure requirements. While these key interventions signal the potential for a significant improvement in the status quo, the scope and success of this commitment is also dependent on other supplementary factors including, for instance, the adoption of measures to regularly ensure the quality and interoperability of the disclosed information and the determination of an appropriate threshold for the disclosure of information.¹²

Going forward, the government should generally aim to consolidate efforts around transparency in the extractive sector in order to avoid overlap and duplication (see Commitment I I). In implementing this commitment, stakeholders should focus on the crucial objective of ensuring that legislation and related amendments on beneficial ownership transparency are passed and adopted. In addition, in the process of revisiting such legislation, the government should create a working group

with civil society, through which a beneficial ownership data standard could be adopted, developed, or customized to ensure that the beneficial ownership information is reliable and accurate. The standard could, for example, draw on the Open Ownership's Beneficial Ownership Standard,¹³ or even build on existing principles of open data, such as the Open Knowledge Foundation's three principles¹⁴ of availability and access, reuse and redistribution, and universal participation. In addition, once such information is published, the government could develop a mechanism for law enforcement agencies to leverage the database to identify, investigate, and prosecute financial crimes.

¹ Cabinet Secretariat of the Government of Mongolia, Mongolia OGP National Action Plan 2019–2021, https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf, p. 27–28.

² Open Government Partnership, Independent Reporting Mechanism (IRM) Mongolia End-of-Term Report 2016–2018, https://www.opengovpartnership.org/wp-content/uploads/2020/08/Mongolia_End-of-Term_Report_2016-2018_EN.pdf, p. 46.

³ Ibid., pp. 45–46.

⁴ Ibid., p. 46.

⁵ Dorjdari Namkhajantsan (Natural Resource Governance Institute Mongolia), interview by IRM researcher, 15 June 2020.

⁶ Extractive Industries Transparency Initiative, Mongolia Meets All Requirements of the EITI Standard, <https://eiti.org/news/mongolia-meets-all-requirements-of-eiti-standard>.

⁷ EITI Board, Board Decision on the Validation of Mongolia, <https://eiti.org/scorecard-pdf?filter%5Bcountry%5D=7&filter%5Byear%5D=2018>.

⁸ Extractive Industries Transparency Initiative, The Philippines Recognized as the First Country to Achieve Satisfactory Progress against the EITI Standard, <https://eiti.org/news/philippines-recognised-as-first-country-to-achieve-satisfactory-progress-against-eiti-standard>.

⁹ Mongolia EITI National Council, Roadmap 2016–2020 for the Disclosure of Beneficial Owners Information within the Extractive Industries Transparency Initiative Standard,

https://eiti.org/files/documents/bo_roadmap_mongolia_eiti_updated_2017_12_27_english.xlsx.pdf.

¹⁰ Ibid.

¹¹ Extractive Industries Transparency Initiative, Mongolia, <https://eiti.org/mongolia>.

¹² Open Ownership, Beneficial ownership in law: Definitions and thresholds - Policy Briefing, <https://www.openownership.org/uploads/definitions-briefing.pdf>

¹³ Open Ownership, The Beneficial Ownership Data Standard, <https://www.openownership.org/what-we-do/the-beneficial-ownership-data-standard/>

¹⁴ Open Knowledge Foundation, Open Data Handbook: What Is Open Data?, <http://opendatahandbook.org/guide/en/what-is-open-data>.

11. Ensure Transparency of Contracts

Disclose the following types of agreements widely made in the extractive sector, including but not limited to:

- Investment agreement
- Product sharing agreement
- Deposit development agreement
- Product sales agreement
- Community development contract
- Stabilization agreement
- Agreement for reimbursement of exploration costs made by state funding
- Product sales agreement of state-owned and public companies (with state participation)
- Agreement on products purchased for concentration and processing factories
- Rehabilitation agreement for mining operations carried out in head water areas, protected zones of water resources, and forest areas
- Land use agreement
- Water use agreement

Main Objective

Community oversight increased, corruption and conflict of interests' infringements reduced, and contributions made to improving sector governance by creating legal framework for ensuring extractives sector for all types of contracts.

Milestones

1. Renew the conceptual note/framework for the Extractives Sector Transparency Law, get adopted, carry out analyses and evaluations, create legal environment.
2. Establish legal environment obligating to administer and update www.iltodgeree.mn website frequently and stable to Ministry of Mining and Heavy Industry, Mineral Resources and Petroleum Authority, and the EITI Secretariat.
3. Raise awareness of contract parties that the Natural Resources Use Agreements are classified as administrative contract according to General Administrative Law, ensure civil participation, conduct evaluation on performance, and advocacy.
4. Carry out midterm and final evaluation on enforcement of laws and implementation of action plan.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|--|
| Verifiable: | Yes |
| Relevant: | Access to Information, Civic Participation |
| Potential Impact: | Moderate |

Commitment analysis

This commitment aims to enhance transparency in the extractive sector by publishing agreements and contract information online. The commitment is closely linked to Commitment 10—which aims to legislate beneficial ownership transparency in the extractive sector—and even includes an overlapping milestone on the revision of the Extractive Sector Transparency Law (Milestone 1). Mongolia's Ministry of Mining and Heavy Industry and Mineral Resources and Petroleum Authority will lead implementation of this commitment, along with the Cabinet Secretariat, the Ministry of Justice and Internal Affairs, the Ministry of Environment and Tourism, Erdenes MGL LLC, Publish

What You Pay (PWYP), Open Society Forum (OSF), Natural Resource Governance Institute (NRGI), and the Extractive Industries Transparency Initiative (EITI) Mongolia.

This commitment is relevant to the OGP value of access to information as it aims to publish different types and categories of agreements in the extractive sector. The commitment is also relevant to the OGP value of civic participation as it proposes to ensure citizens' participation in the form of public/community hearing actions on Natural Resources Use Agreements.

As with Commitment 10, at the time this commitment was designed, contract information has already been published through the government website <https://www.iltodgeree.mn>; established by the OSF in partnership with EITI and the Ministry of Mining and Heavy Industry. This enables access and scrutiny of the full text of resource contracts. However, it is difficult to achieve full transparency as there is no legislation that explicitly mandates the transparency of contracts in the extractive sector.

As of 2018, a total of 439 resource contracts had been disclosed online, including agreements on land use, community cooperation, concession, water use, product sharing, investment, and pre-operation.¹ This was achieved through an information reconciliation process in which government and civil society partners requested 54 companies to disclose their contract information. Out of those 54 companies, 31 submitted their contract information to be uploaded on the website, while the remaining 23 chose not to disclose.² While this signifies pre-existing progress, the voluntary and selective nature of such disclosure means that the government cannot enforce action or take any measures against companies that do not comply with such contract disclosure practice.

If fully implemented, this commitment stands to have moderate potential impact on the transparency of contracts in the extractive sector and, therefore, on combatting possible corruption within it. Consistent with Commitment 10, the revision and implementation of legislation to mandate and enforce disclosure of contract information, in a sector that contributes significantly to Mongolia's economic activity,³ will represent a major step forward. Similarly, efforts to ensure and raise awareness on existing provisions for public participation in Natural Resource Use Agreements will help public scrutiny of agreements—although the commitment does not specify mechanisms to facilitate such participation.

According to a civil society representative—as with Commitment 10—the overall success of this commitment is contingent on passing the Bill on Extractives Sector Transparency at the State Great Khural.⁴ However, unlike beneficial ownership transparency which does not have a pre-existing legal basis, EITI's 2018 report⁵ outlines several existing laws that could be used as the legal foundation for contract disclosure in Mongolia. This includes several articles in the Constitution, the Law on Minerals, Law on Petroleum, Law on Information Transparency and Right to Information, and the Law on Glass Accounts. This existing legal framework can be leveraged in advocacy of legislators to push through the proposed reforms.

Going forward, the government needs to streamline efforts to improve transparency in the extractive sector by consolidating related initiatives such as contractual and beneficial ownership transparency, in order to avoid overlap and duplication. In implementing this commitment, stakeholders could build on existing, or new, legislative provisions to raise public awareness of the contract information database and disclosure requirements and involve them in related decisions; with a particular focus on reaching populations that are disproportionately affected by extractive activities.

¹ Mongolia Extractive Industries Transparency Initiative, 2018 EITI Report, https://eiti.org/files/documents/mongolia_2018_eiti_report_eng-12.30.pdf, p. 36.

² Ibid.

³ Extractive Industries Transparency Initiative, Mongolia, <https://eiti.org/mongolia>.

⁴ Dorjdari Namkhajantsan (Natural Resource Governance Institute), interview by IRM researcher, 15 June 2020.

⁵ 2018 EITI Report, pp. 34–35.

12. M&E online information system of the Cabinet Secretariat of the Government of Mongolia

To develop the government information system/M&E information system of the government, which will align with the relevant legislation and make it a main tool to be used by the administrative organizations.

Main Objective

Through development of the M&E information system of the government, www.unelgee.gov.mn:

1. Increase government policy planning, budgeting, performance of government operations, results, and impacts.
2. Make government information regarding government operations to be open and transparent for public.
3. Increase human resource capacities and accountability of the administrative organizations.

Milestones

1. Define the cost to develop the system and find the funding.
2. Develop the open parts of the system and ensure openness and transparency of the government information.
3. Develop 'Strengthen the Capacities of Civil Servants' systems (System #1: Online training system and System #2: Knowledge sharing database).
4. To make a record of the short- and long-term policy documents and citizens' satisfaction survey and enable possibility for performance evaluation.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|-----------------------|
| Verifiable: | Yes |
| Relevant: | Access to Information |
| Potential Impact: | None |

Commitment analysis

This commitment proposes to develop a monitoring and evaluation (M&E) information system where all government policy planning, budgeting, and implementation can be monitored and evaluated in a more streamlined manner. Mongolia's Cabinet Secretariat will lead the development process in collaboration with other government ministries, agencies, and CSOs that focus on improving governance processes.

This commitment is relevant to the OGP value of access to information as it entails the publication of government-held information on various aspects of policy planning, budgeting, and implementation.

In 2012, the government began developing <http://www.unelgee.gov.mn>, an online information system to support the monitoring and evaluation of government administration. The commitment envisions the development of an open version of the portal, so that citizens can have access to the same information. However, an open version of the portal has already been developed in 2018 (prior to the action plan's publication) in partnership with The Asia Foundation's "Stimulating Good Governance and Transparency in the Civil Service" (Steps) project and funding from the Ministry of Foreign Affairs of Canada.¹ The open version of the portal is available at <http://www.unelgee.gov.mn/open> and publishes datasets on the following categories:

- Government programs at the national and subnational levels

- Archives of laws and decisions
- Directions for economic and social development
- Results and analysis of the citizen satisfaction survey
- Response towards public applications and complaints
- Development concept and policies at the national and subnational levels
- General evaluation of government performance
- Government strategic plan
- Regular updates of government's activities and programs

As the key milestones of this commitment had been completed prior to the introduction of the OGP action plan, the commitment carries no potential impact on monitoring and evaluating government administration through the open disclosure of information. According to the action plan, the open portal was scheduled to be developed between January and July 2019,² but the website had already been launched in 2018.

However, given the clear importance of monitoring and evaluation in the design and delivery of public services,³ commitment-implementing stakeholders can aim to build on the status quo to yield potential impact in this area. For example, the Cabinet Secretariat can work with relevant civil society to review the data currently disclosed on the portal to ensure that they are published in an easily accessible and open data format. It is also important to consider the use of offline or mobile-based channels for disclosure, noting that low digital literacy and internet penetration rates⁴ mean that a significant proportion of the population will not have full access to the online portal. To address this critical digital divide, stakeholders can develop and disseminate project reports and policy documents that can be presented by government or civil society representatives at regular citizen forums. These measures would allow citizens and civil society to engage with government data and better perform independent monitoring and evaluation activities.

The Cabinet Secretariat could also go beyond only providing greater access to information by creating opportunities for citizens to directly influence the direction of government policies and programs. For this purpose, the Cabinet Secretariat could establish a mechanism and procedure for the public to register comments on the disclosed information on the portal and establish protocol mandating a government response from the relevant institution.

¹ Cabinet Secretariat of the Government of Mongolia, Open Governance, <http://www.unelgee.gov.mn/open>.

² Cabinet Secretariat of the Government of Mongolia, Mongolia OGP National Action Plan 2019–2021, https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf, p. 31.

³ Organization for Economic Co-operation and Development, Policy Monitoring and Evaluation, www.oecd.org/gov/policy-monitoring-evaluation.htm.

⁴ World Bank, Individuals Using the Internet (\$ of Population) - Mongolia, <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=MN>.

13. Safety for the Environment

- To reduce the negative impacts influencing citizens' healthy and living environment by implementing waste management through public-private partnership and citizen engagement.
- To keep ecosystem of specially protected areas, to reduce negative impacts of climate change.

Main Objective

To create a culture of waste management at government agencies and others by leading and implementing waste management to reduce the impact of climate change and improve the environment.

Milestones

1. Sources of wastes, structures, and budgetary research to be released and monitoring to be carried out/government organizations, media organizations, and 50 biggest enterprises.
2. To create an information database system on the basis of evaluation of implementation of waste management, disclosure of landowners' information at specially protected areas, as well as implementation of responsibilities for ecosystem.
3. Organize discussions at 30 selected media organizations, 50 enterprises, agencies, and ministries.
4. To conduct research on enterprises and public utility companies, who are in charge of collecting and processing the wastes, and organize consultations and discussions to raise awareness, and advocate contract reporting and responsibilities.
5. To undertake advocacies for representatives of these 3 organizations and include contribution to climate change provision in the contract and disseminate the results, all of which are expected to change attitudes and knowledge of the public.

Editorial Note: For the complete text of this commitment, please see Mongolia's action plan at https://www.opengovpartnership.org/wp-content/uploads/2019/12/Mongolia_Action-Plan_2019-2021.pdf.

| IRM Design Report Assessment | |
|------------------------------|--|
| Verifiable: | Yes |
| Relevant: | Access to Information, Civic Participation |
| Potential Impact: | Minor |

Commitment analysis

This commitment aims to improve waste management through partnership between government and private stakeholders. It proposes to do this by conducting and publishing research on the negative impact of waste on the environment and improving access to information and advocacy on waste management measures and practices. Mongolia's Ministry of Environment and Tourism will lead implementation of this commitment along with other government ministries and agencies, civil society groups, manufacturing companies, media organizations, and private enterprises involved in waste management.

Through this commitment, the government aims to release information on waste management, land ownership in protected areas, and ecosystem responsibility measures. The commitment is thus relevant to the OGP value of access to information. The commitment also proposes to organize multistakeholder discussions and consultations around waste management and is thus relevant to the OGP value of civic participation. The commitment targets government agencies, media organizations, and 50 of Mongolia's biggest enterprises.

In the status quo, there is no publicly available database on waste management, related enterprises, and the range of services they provide. The theme of environmental protection is new to Mongolia's

OGP process and aims to address an issue that is often overlooked despite its significance. However, if fully implemented this commitment stands to have minor potential impact.

While the commitment is generally verifiable, some activities and milestones lack specificity. For example, although the commitment proposes to organize multistakeholder discussions around waste management, it does not specify the purpose of these discussions or what they aim to achieve. It is also unclear how the disclosed information will be used and/or translated into measures promoting or advocating environmental protection.

In addition to limited specificity, the commitment's theory of change rests largely on the premise that research, disclosure, and advocacy of waste management practices would lead to better waste management (i.e. a 'culture of waste management'), shift public attitudes, improve the environment, and reduce negative impacts of climate change. While these measures are likely to lead to positive impact, alone they will be insufficient to transform attitudes, work, and practice in the area of environmental protection in Mongolia.

While poor waste management is widely recognized as contributing to climate change,¹ it is hardly the sole or primary contributor. While a discussion of the various sources of environmental degradation are beyond the purview of this report, it is clear that the scope of what this commitment sets out to do is limited. In addition, the commitment's impact on the environment depends on the availability of an enforcement mechanism to, for instance, leverage the disclosed information and hold landowners accountable for environmental damage.

Going forward, the government could revisit the design of this commitment at the implementation phase in consultation with civil society stakeholders and academics with expertise in environmental protection and advocacy. This would be important to identify the root cause of the problem (climate change) and which sets of problems the government could focus on tackling through the OGP process. For example, the commitment could focus on facilitating public participation in environmental impact assessments (in line with the Law on Environmental Impact Assessments²) which could also simultaneously enhance public accountability through monitoring company compliance with the assessment findings. Similarly, as a country where mining is a central feature of the economy (more than 23 percent of GDP in 2020),³ the government could focus more on strengthening the legal framework protecting the environment from side effects caused by activities in the mining sector.

¹ Klaus Lackner and Christophe Jospe, Climate Change is a Waste Management Problem, *Issues in Science and Technology*, Vol. XXXIII, No. 3, Spring 2017, <https://issues.org/climate-change-is-a-waste-management-problem/>

² Government of Mongolia, Law of Mongolia on Environmental Impact Assessments, <https://admin.theiguides.org/Media/Documents/LawEnvironmentalImpactAssessments.pdf>.

³ Extractive Industries Transparency Initiative, Mongolia, <https://eiti.org/mongolia>.

V. General Recommendations

This section aims to inform the development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Five Key Recommendations

1. Reactivate and formalize OGP structures including a national multistakeholder forum and thematic working groups.

As outlined in Section III of this report, Mongolia's action plan development and co-creation process fell short of the minimum threshold of 'involve'¹ for public participation. The process lacked a central body to drive co-creation forward and ensure active government and CSO engagement. Going forward, Mongolia is strongly encouraged to strategize, develop, and implement a co-creation process that meets OGP's Participation and Co-Creation Standards.²

Reactivate the multistakeholder forum: The Cabinet Secretariat needs to partner with civil society to re-activate the country's multistakeholder forum. This forum should proactively meet on a quarterly basis and include equal representation of government and nongovernment members. During the implementation period, the forum meetings can be used to report on the progress of commitments, brainstorm solutions to challenges that may emerge, and provide opportunity for civil society participation in implementation of the action plan.

Reinstitute and formalize working groups: Working groups were the primary forum in the initial stages of the creation of this action plan. To ensure a meaningful multi-stakeholder dialogue on OGP, the government needs to reinstitute and formalize these working groups to play an active role in overseeing the implementation of commitments. Information on the existence, purpose, composition, and meeting times of these groups should be publicly available and widely shared. The co-creation timeline and a regular meeting schedule should be strategically determined in advance to ensure OGP deadlines are met. Government participants in working groups should have the OGP knowledge and decision-making authority necessary to actively participate in commitment design. Once commitment proposals are shortlisted and finalized, the forum or government could establish and fund small working groups, or project teams, to elaborate commitments, activities, and milestones. These groups could look beyond usual civil society and government participants to include implementing government agencies and key civil society representatives working in the policy area. This will ensure groups have a balance of technical and policy expertise, which in turn will result in representative, better designed, and more ambitious commitments. Working groups could also engage members of parliament to ensure parliamentary buy-in for commitments requiring legislative action.

2. Establish a publicly accessible OGP repository and provide reasoned response on the content of the future action plan.

In addition to reinstating and formalizing national OGP structures, the government needs to establish a repository and ensure a clear and public reasoned response on the content of future action plans to comply with OGP requirements.

- **Reasoned response:** Mongolia acted contrary to OGP process due to a lack of reasoned response from the government to civil society regarding the content of the final action plan. During the next cycle, the government must be sure to publish clear reasoning behind the final selection of commitments in the action plan, including justifications for commitment proposals that were not included.
- **Repository:** Currently there is no website and/or repository of evidence on Mongolia's OGP process. The use and maintenance of such a portal could enable stakeholders to access

key resources relating to Mongolia’s OGP process, including information on opportunities and timelines for their participation in support of action plan development and implementation. An OGP repository could take the form of an OGP website, a page on a government website, a public page such as Trello, or a public Google Drive folder. These formats are all acceptable options provided that the repository is updated at least every six months, publicly accessible, and contains evidence of co-creation and implementation.

3. Develop and scale up initiatives on citizen participation in areas of public service delivery, including health and education

The current plan includes commitments in areas of health and education, with both initiatives envisioning civic participation elements. IRM recommends to further develop and scale up these initiatives to ensure effective public oversight of key sectors of public service delivery. To improve the ambition of such commitments in future action plans, the IRM recommends consideration of the following:

- **Broaden consultations to ensure commitments on health and education reflect local priorities.** The Cabinet Secretariat and civil society partners could include moments for broad public consultation during the co-creation process. Commitments on improvement of public service deserve particular effort for ensuring broader public consultation through multiple channels. This could include Facebook, since it is already widely used in the country. Opportunities for public input could also be provided offline. Additionally, it is recommended to reach out to civil society beyond the typical governance-focused participants to ensure direct input of community-based organizations and sectoral associations and interest groups (e.g. teachers, parents) to communicate that OGP processes can be used to advance their policy aims.
- **Consult experts and OGP Support Unit to translate public input into relevant, specific, and feasible commitments.** For a collaborative process, once commitment recommendations are gathered, the multistakeholder forum needs to consult relevant government agencies, civil society experts, academics, or others to shape public input into result-oriented commitments. Thematic working groups are a useful tool for this process, as highlighted in the previous recommendation.

Table 7. Recommendations for the next action plan development process

| | |
|---|---|
| 1 | Reactivate and formalize OGP structures including a national multistakeholder forum and thematic working groups |
| 2 | Establish a publicly accessible OGP repository and provide reasoned response on the content of the future action plan. |
| 3 | Develop and scale up initiatives on citizen participation in areas of public service delivery, including health and education |

4. Strengthen the anti-corruption framework by improving the Independent Authority Against Corruption’s independence and transparency

As highlighted by the OECD in its 2019 assessment of anti-corruption reforms in Mongolia,³ effective combating of corruption requires a sustained and multi-pronged approach, which includes strong anti-corruption policies; a variety of measures to detect and prevent corruption; enforcement of criminal responsibility; and targeted actions to tackle corruption in specific sectors or areas such as whistleblower protection.

The Independent Authority Against Corruption (IAAC) plays a particularly crucial role in leading, coordinating, and implementing the overall anti-corruption framework and strategy in Mongolia.

Noting that the IAAC has been limited by a number of challenges, including questions around their independence, the IRM draws on the OECD recommendations to propose that the next action plan includes a specific, relevant, and ambitious commitment to significantly strengthen CSO participation and external oversight of the IAAC. Although the IAAC already involves civil society in policy work and awareness-raising efforts, these efforts are generally unstructured, diminishing, and/or subject to the discretion of the IAAC leadership.⁴ The Law on Anti-Corruption⁵ provides for external oversight of the IAAC through a Public Council comprising 15 members appointed by the President to serve a four-year term. However, as noted by the OECD, the appointment criteria are general, the selection process lacks transparency, and the Council sits within the IAAC premises.⁶ The Public Council, which receives public complaints on the IAAC, is meant to act as a bridge between citizens and the IAAC. However, the OECD found that there is limited public awareness of the Public Council and—much like the IAAC itself—is considered political and lacking concrete results.

In this context, in introducing a commitment in this area, the IRM recommends specific consideration of the following:

- In accordance with the Law on Anti-Corruption,⁷ the State Great Khural needs to exercise its mandate to ensure and safeguard the independence of the IAAC. This includes deciding on the establishment, form, and dissolution of the agency and appointing appropriate heads and deputy heads of the agency to serve full six-year terms.
- The IAAC could work with civil society to establish objective and transparent procedures for the nomination and appointment of the 15 Public Council members to provide oversight of the IAAC. Civil society can also pursue initiatives to increase trust in the Public Council and encourage proactive citizen engagement in IAAC oversight. This may, importantly, involve the Public Council increasing the transparency of its operations by publishing and disseminating regular reports of its work, including records of complaints received and measures taken to address complaints.
- The Public Council could introduce easily accessible, online and offline mechanisms for citizens to register complaints or provide feedback on the work of the IAAC. This may include the Council setting up a dedicated online portal; conducting community town-hall activities; and/or introducing a dedicated complaints hotline.
- Civil society could lead multi-channel, public awareness-raising activities to inform citizens across Mongolia of the Public Council and the opportunities it provides for greater public accountability of the IAAC.

5. Advance Beneficial Ownership transparency by ensuring wide coverage, interoperable data, and opportunities for multistakeholder engagement

Significantly, Commitment 10 aims to strengthen the legal framework for beneficial ownership transparency in Mongolia and establish a register. These tools would present Mongolia with an opportunity to further advance ambitious reforms and demonstrate regional leadership in the area of beneficial ownership transparency.

To do so, the IRM recommends consideration of the following:

- **Expand coverage to include all companies:** Given the significant economic influence of the extractive sector in Mongolia, it is understandable that the current focus of

beneficial ownership transparency is explicitly limited to extractive companies. Building on the experiences, however, Mongolia’s Cabinet Secretariat could now seek to expand the coverage of the proposed register to include all registered companies, irrespective of sector.

In expanding such coverage, the government is also encouraged to consider the threshold used to determine when ownership and control would have to be legally disclosed. Sufficiently low thresholds are important to ensure that most or all persons and companies with control interests are identified in the disclosure. A policy briefing by Open Ownership outlines some key considerations to support policymakers to make a determination in this regard.⁸ Relevant representatives of the State Great Khural should also be involved in this process to ensure that threshold is reflected in the governing legislation.

- **Prioritize data interoperability:** While the establishment of a database with beneficial ownership information is an important first step, such information is only useful if it is easily accessible, follows a common language across jurisdictions, and meets standards of data quality. Thus, the IRM recommends that the Cabinet Secretariat, in designing Mongolia’s register, ensures data interoperability and quality by applying common standards, such as the Beneficial Ownership Data Standard,⁹ and building on the general principles of open data, such as availability and access, reuse and redistribution, and universal participation.¹⁰
- **Form a multistakeholder platform:** Beneficial ownership reform requires sustained participation of a diversity of stakeholders from government, civil society, and the private sector. The IRM recommends that stakeholders in Mongolia work to ensure the operation of channels for such engagement including, for instance, creating open, multistakeholder platforms for dialogue and consultation throughout the various stages of the policy cycle.

As Mongolia emerges as a regional leader in the area of beneficial ownership transparency, the country could join the Beneficial Ownership Leadership Group,¹¹ which includes other OGP members leading on beneficial ownership reform, such as Armenia, Kenya, and Mexico. By joining the Group, each country signs up to a set of best practice disclosure principles and gains unique access to technical expertise and opportunities for peer exchange in this growing policy area.

Table 8. Recommendations for the next action plan’s design

| | |
|---|--|
| 4 | Strengthen the anti-corruption framework by improving civil society and media organizations’ participation and oversight in the work of the Independent Authority Against Corruption |
| 5 | Advance Beneficial Ownership Transparency by ensuring wide coverage, interoperable data, and opportunities for multistakeholder engagement |

5.2 Response to Previous IRM Key Recommendations

Recommendations 1, 2, and 4 do not seem to have influenced Mongolia’s third action plan development process. The departure of the previous government point of contact at the Cabinet Secretariat seemed to have had a negative effect on coordination and communications between the government and civil society stakeholders of the OGP process. This was further exacerbated by the absence of any reliable source of information (e.g. online portal, website, webpage) that could inform the public of the OGP process in Mongolia.

This finding continues the trend indicated by the previous IRM report¹² which looked at the implementation of Mongolia’s second action plan. While the level of public influence¹³ improved to “Consult” by the end of the 2016–2018 term from “No Consultation” at the midterm, civil society leaders were responsible for taking the initiatives while government leadership was missing.

Participation of new government actors can be found in this action plan which indicates compliance with Recommendation 3 from the previous action plan, though the lack of specificity in terms of

commitment outcomes renders it difficult to see if these new government actors understand the OGP process and its corresponding values. Meanwhile, the inclusion of multiple commitments addressing transparency and accountability of government procurement and contracting affirms findings from the OGP Global Report¹⁴ of Mongolia's strength in the areas of open contracting and transparency based on the early results assessed by previous IRM reports as well as third-party evaluations.

Table 9. IRM Report Key Recommendations

| Recommendation ¹⁵ | | Did it inform the OGP Process? |
|------------------------------|--|--------------------------------|
| 1 | Provide more information on open government activities | X |
| 2 | Reinvigorate the working group to monitor implementation | X |
| 3 | Include new government actors in and raise awareness of the OGP process | ✓ |
| 4 | Specify intended outcomes for commitments | X |
| 5 | Greater emphasis on civil engagement and public accountability in the extractives sector | ✓ |

¹ IAP2's International Federation, IAP2 Spectrum of Public Participation, updated November 2018, https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf.

² Open Government Partnership, OGP Participation & Co-Creation Standards, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

³ OECD, Anti-Corruption Reforms in Mongolia, 4th round of monitoring of the Istanbul Anti-Corruption Action Plan, <https://www.oecd.org/corruption/acn/OECD-ACN-Mongolia-4th-Round-Monitoring-Report-2019-ENG.pdf>

⁴ Ibid., pp. 35–39.

⁵ Government of Mongolia, Law of Mongolia on Anti-Corruption, <https://iaac.mn/files/d8faf0f3-92d8-470f-bb01-c1b0b25490be/1.Anti-Corruption%20Law%20of%20Mongolia.pdf>.

⁶ OECD, Anti-Corruption Reforms in Mongolia: Fourth Round of Monitoring of the Istanbul Anti-Corruption Action Plan, <https://www.oecd.org/corruption/acn/OECD-ACN-Mongolia-4th-Round-Monitoring-Report-2019-ENG.pdf>, pp. 35–39.

⁷ Government of Mongolia, Law of Mongolia on Anti-Corruption, <https://iaac.mn/files/d8faf0f3-92d8-470f-bb01-c1b0b25490be/1.Anti-Corruption%20Law%20of%20Mongolia.pdf>.

⁸ Open Ownership, Beneficial ownership in law: Definitions and thresholds - Policy Briefing, <https://www.openownership.org/uploads/definitions-briefing.pdf>

⁹ Open Ownership, The Beneficial Ownership Data Standard, <https://www.openownership.org/what-we-do/the-beneficial-ownership-data-standard/>

¹⁰ Open Knowledge Foundation, Open Data Handbook: What Is Open Data?, <http://opendatahandbook.org/guide/en/what-is-open-data>.

¹¹ Open Government Partnership, Beneficial Ownership Leadership Group, <https://www.opengovpartnership.org/beneficial-ownership-leadership-group/>

¹² Open Government Partnership, Independent Reporting Mechanism (IRM) Mongolia End-of-Term Report 2016–2018, https://www.opengovpartnership.org/wp-content/uploads/2020/08/Mongolia_End-of-Term_Report_2016-2018_EN.pdf, p. 4.

¹³ Ibid.

¹⁴ Open Government Partnership, OGP Global Report: Volume 2, https://www.opengovpartnership.org/wp-content/uploads/2019/06/Global-Report_Volume-2.pdf, p. 165.

¹⁵ Open Government Partnership, Independent Reporting Mechanism (IRM) Mongolia Progress Report 2016–2018, https://www.opengovpartnership.org/wp-content/uploads/2018/11/Mongolia_Mid-Term_IRM-Report_2016-2018_EN.pdf, pp. 4–5.

VI. Methodology and Sources

IRM reports are written in collaboration with researchers for each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available on Mongolia's OGP¹ website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations.

Each IRM researcher conducts stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reserves the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.²

Interviews and Stakeholder Input

This report was produced in June 2020, at a time of global crisis due to the COVID-19 pandemic which imposes extensive restrictions on mobility and physical interaction. As such, all interviews to support the production of this report were conducted remotely using a variety of online communication platforms, such as emails as well as audio and video chats.

The IRM was unable to secure interviews with government stakeholders despite multiple attempts to communicate with the Cabinet Secretariat, the Ministry of Finance, the Ministry of Health, the Communications and Information Technology Authority, and the Procurement Agency of the Government of Mongolia. It is likely that the government was unable or unavailable to communicate due to the preparation for Mongolia's legislative elections in June 2020.

The following list consists of information on stakeholders that were interviewed by the IRM for this report.

- Ariuntungalag Munkhtuvshin (World Vision Mongolia) to discuss the multistakeholder process as well as the design of commitments on education and public service delivery
- Dorjdari Namkhajantsan (Natural Resource Governance Institute) to discuss the multistakeholder process as well as the design of commitments on beneficial ownership, natural resource governance, and open contracting.
- Undral Gombodorj (Democracy Education Center) to discuss the multistakeholder process as well as the design of commitments on education, public accountability, legal education, and public service delivery.
- Turod Lkhagvajaav (Transparency International Mongolia) to discuss the multistakeholder process.

The IRM also contacted other civil society stakeholders from Open Society Forum (OSF) as well as Women for Social Progress but did not receive a response. Despite limited interaction and feedback from stakeholders, the IRM ensured reference to and reliance on, *inter alia*, extensive desk research, existing indices, and research reports to ensure a strong evidence base for this report.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is:

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ Open Government Partnership, Mongolia, <https://www.opengovpartnership.org/members/mongolia>.

² Open Government Partnership, IRM Procedures Manual, updated September 2017. <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

Annex I. Commitment Indicators

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: Do the written objectives and proposed actions lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment?
 - Specific enough to verify: Are the written objectives and proposed actions sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - Public Accountability: Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
 - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the potential impact of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.
- **Did It Open Government?** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.

What makes a results-oriented commitment?

A results-oriented commitment has more potential to be ambitious and be implemented. It clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem rather than describing an administrative issue or tool? (E.g., "Misallocation of welfare funds" is more helpful than "lacking a website.")
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan? (E.g., "26% of judicial corruption complaints are not processed currently.")

3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation? (E.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")

Starred commitments

One measure, the "starred commitment" (★), deserves further explanation due to its interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria.

- Potential star: the commitment's design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **substantial** or **complete** implementation.

These variables are assessed at the end of the action plan cycle in the country's IRM Implementation Report.

¹ Open Government Partnership, Open Government Partnership: Articles of Governance, updated June 2019, <https://www.opengovpartnership.org/articles-of-governance>.

² Open Government Partnership, IRM Procedures Manual, updated September 2017. <https://www.opengovpartnership.org/documents/irm-procedures-manual>.