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9 September 2021

Tsend Nyamdorj
Chief, Cabinet Secretariat
Government of Mongolia

Dear Tsend Nyamdorj,

We welcome the Government of Mongolia's participation in the Open Government Partnership (OGP), which now comprises 78 countries working to implement open government commitments to promote greater transparency, accountability and citizen engagement in policy making.

As you are aware, all OGP participating governments are expected to co-create an Action Plan outlining a concrete set of open government reforms, in line with OGP Participation and Co-Creation standards.

For its 2019-2021 action plan, the Government of Mongolia did not meet the OGP minimum requirement for public influence during co-creation - "Involve" - as assessed by the Independent Reporting Mechanism ("IRM") in their [report](#). Therefore, Mongolia has acted contrary to the OGP process for that cycle. As a reminder, to reach "involve" the OGP Multistakeholder Forum needs to meet at least every six months, and the government needs to provide a response on how inputs for the Action Plan were considered.

Mongolia has now acted contrary to the OGP process for two consecutive action plan cycles. A copy of the letter dated 15 January 2019 notifying of the first occurrence is enclosed for your records. In line with [OGP policy](#), Mongolia will be placed under review by the OGP Criteria & Standards Subcommittee (C&S). This review process involves enhanced support by the OGP Support Unit and the OGP Steering Committee in order to help address the issues that have led an OGP member to be placed under review.

The review process can be finalized by addressing the most recent occurrence of acting contrary to process. In this case, by meeting the minimum co-creation standards in Mongolia's next action plan, as assessed by the IRM in the Action Plan Review report. We urge you to take steps to make sure that these requirements are met, as failure to do so could risk Mongolia being designated in inactive status. Please see the attached appendix which lists all the minimum co-creation standards that need to be met.

The OGP Support Unit and Steering Committee stand ready to support you during the implementation of your current action plan and the development of your next one to make sure all requirements are met.

Yours sincerely,



Sanjay Pradhan
Chief Executive Officer



Gombojavyn Zandanshatar
Head of the Cabinet Secretariat
Government of Mongolia

15 January 2019

Dear Minister Zandanshatar,

We welcome the Government of Mongolia's participation in the Open Government Partnership (OGP), which now comprises 79 countries and 20 local governments working to implement open government commitments to promote greater transparency, accountability and citizen engagement in policy making.

As you are aware, the OGP Articles of Governance state that all participating governments are expected to co-create an action plan outlining a concrete set of open government reforms, in line with OGP Participation and Co-Creation standards. Governments that are more than four months late in submitting their action plan will be considered to have acted contrary to OGP process for that action plan cycle.

As of 1 January 2019, the Government of Mongolia has not submitted its action plan, four months after the deadline of 31 August 2018, and therefore has acted contrary to OGP process. As a result, Mongolia has been shifted from the "even year" to the "odd year" cohort of OGP participants, and considered to have started a new action plan cycle with a deadline of 31 August 2019 to submit its action plan. In order to avoid the possibility of future review by the Criteria and Standards Subcommittee of the OGP Steering Committee, we recommend that the Government of Mongolia makes every effort to deliver its action plan by the established deadline.

The OGP Support Unit and Steering Committee stand ready to support you in whatever way would be useful. Please do not hesitate to contact the Support Unit if you require any assistance in the finalization of your action plan.

Yours sincerely,



Sanjay Pradhan
Chief Executive Officer
Open Government Partnership

Appendix

Minimum participation requirements and acting contrary to process (as defined in chapter 6 of the [OGP Handbook](#))

6. Minimum participation requirements and acting contrary to process

A government's participation in OGP may be reviewed by the Criteria and Standards Subcommittee (C&S) or by the full Steering Committee upon recommendation by the C&S, if it acts contrary to process or contrary to OGP principles, as outlined in the [Procedural Review](#) policy. These are considered the minimum participation requirements for all OGP participating governments.

According to the OGP [Articles of Governance](#), a participating government is considered to have acted "contrary to process" when any of the following occur:

- 1. The government does not publish a National Action Plan within 4 months of the due date.*
- 2. The government did not meet the International Association for Public Participation "involve" during development or "inform" during implementation of the NAP as assessed by the Independent Reporting Mechanism (IRM).*
- 3. The government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.*
- 4. The IRM Report establishes that there was no progress made on implementing any of the commitments in the participating government's action plan (N.B. this trigger automatically places a country under Procedural Review).*

When a country is found to have acted contrary to process, the OGP Support Unit will notify the government via a letter that is published in the OGP website and in the OGP Gazette. If a country acts contrary to process for two consecutive action plan cycles, it will be placed under Procedural Review by the C&S. If a country fails to address the problems that lead to the review process, the C&S may consider recommending to the full Steering Committee that the country be designated as inactive.

Please see below for specific definitions of these four triggers provided by the OGP Support Unit and the IRM.

6.1 Delayed action plans

If a participating government fails to deliver a new action plan before January 1 of the following year (more than four months late of the August 31 deadline), the OGP participating government will be shifted to the following year cohort (e.g., from the odd-year to the even-year cohort) and be considered to start a new action plan cycle. In this circumstance, a participating government will have acted contrary to OGP process for that action plan cycle. The participating government will receive a letter from the OGP Support Unit noting this occurrence, and it will be copied to the C&S to consider any additional actions or support as necessary (see section 6).

For a detailed description of OGP calendars please refer to section 2.

6.2. Minimum participation requirements during co-creation

Inline with [OGP's Participation & Co-Creation Standards](#), in order to meet the International Association for Public Participation "involve" level of public influence during development as assessed by the IRM, governments will have to provide evidence in their action plan and online repository that the following three standards were met:

1. **Forum exists:** The forum meets at least once every three months (four times a year).
2. **Forum is multi-stakeholder:** Both government and civil society participate in it.
3. **Reasoned response:** The government will have to document or be able to show how they provided the feedback during the co-creation process, including a summary of major categories and/or themes proposed inclusion, amendment or rejection.

The IRM has developed guidance to clarify what it means to meet the International Association for Public Participation "involve" requirement and how it will be assessed by the IRM. It provides details on what is the minimum threshold required in order to act according to the OGP process. Please refer to Annex I.

Find below a basic example of what could be considered *reasoned response*:

Basic Example: How to provide a Reasoned Response

1. Providing reasoned response on the selection of categories or priority policy areas identified during the consultation process:

The Government of Taprobane wanted to focus on open government reforms that aligned with the 5-Year Plan on Corruption Reduction. Early in the consultation, a number of organizations pushed for reforms and commitments outside of the scope of the 5-Year Plan. These included:

- *Climate change adaptation*
- *College graduation rate reporting*
- *Public medical treatment cost transparency*

To address these concerns, the government, with members of the multi-stakeholder forum, decided to include a "public services track" to focus on health and medical reforms. Because of the prior existence of commitments and an action plan under the Paris Climate Agreement for Taprobane, it was determined to be redundant to include additional commitments.

2. Providing reasoned response on how input was considered for the final draft of commitments:

The thematic working group on medical costs discussed a number of proposals. These included:

1. *Transparency of costs charged by public hospitals*
2. *Theft rates of controlled substances*
3. *Public participation in negotiation of prescription drug costs*
4. *Shortening patent and trademark times for major life-saving medicines*

1 and 2 are now subjects of commitments ("Open data on medical costs" and "Social Tracking on Medicine"). Proposal 3 was found to be compelling, but was not included in the action plan for legal reasons, as negotiations are protected by confidential business

information around research and development. Proposal 4 is outside of the scope of open government, as it does not include transparency, participation, or accountability components in addition to being beyond the scope of a two-year action plan.

For more information about the [Participation and Co-Creation Standards](#) please consult the [OGP Participation and Co-creation Toolkit](#).

6.3 Online repository

OGP participating governments have to collect, publish, and document a repository on the domestic OGP website/webpage in line with IRM guidance. The repository is also needed in order to meet the International Association for Public Participation “inform” level during implementation.

The IRM will assess whether governments have taken action to meet the standard for repositories. Actions include:

1. Availability online, without barriers to access
2. Linked to evidence
3. Updated regularly

The IRM has developed guidance to clarify what it means to meet the repository requirement and how it will be assessed by the IRM. It provides details on what is the minimum threshold required in order to act according to the OGP process. Please refer to Annex II for the IRM guidance document and to section 5 for additional information on this requirement.

6.4 No progress made

If the IRM Report establishes that there was no progress made on implementing any of the commitments in the action plan, the government will *automatically* be placed under Procedural Review, regardless of being the first or second occurrence of acting contrary to process.