

# Independent Reporting Mechanism (IRM): Mongolia Transitional Results Report 2019–2021

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This report was prepared in collaboration with Ravio Patra, independent researcher.

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## 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 an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their progress and determine if efforts have impacted people's lives.

The IRM has partnered with Ravio Patra to carry out this evaluation. The IRM aims to inform ongoing dialogue around the 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>.

This report covers the implementation of Mongolia's third action plan for 2019–2021. In 2021, the IRM began to implement a new approach to its research process and the scope of its reporting on action plans, approved by the IRM Refresh.<sup>1</sup> The IRM adjusted its Implementation Reports for 2018–2020 and 2019–2021 action plans to fit the transition process to the new IRM products and enable the IRM to adjust its workflow in light of the COVID-19 pandemic's effects on OGP country processes.

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<sup>1</sup> For more information, see: <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>.

## II. Action Plan Implementation

The IRM Transitional Results Report assesses the status of the action plan's commitments and the results from their implementation at the end of the action plan cycle. This report does not re-visit the assessments for "verifiability," "relevance," or "potential impact." The IRM assesses those three indicators in IRM Design Reports. For more details on each indicator, please see Annex I in this report.

### 2.1. General highlights and results

Mongolia's third OGP action plan (2019–2021) consisted of 13 commitments, from which five were either substantially or fully completed (38% of commitments). This action plan's completion rate was similar to the previous action plan (2016–2018), in which four of thirteen commitments were substantially or fully completed (31%). None of the commitments demonstrated major early results, falling behind the previous action plan, where three commitments produced major early results in opening government.<sup>1</sup>

Mongolia was found to be acting contrary to OGP process,<sup>2</sup> having not published a repository and fallen short of the threshold for participation during implementation of the action plan as required by the *OGP Participation and Co-Creation Standards*.<sup>3</sup> Mongolia was also found to be acting contrary to OGP process for not having met the OGP minimum requirement for public influence during co-creation.

The action plan's implementation encountered challenges. Progress was often stymied by absent leadership from the Cabinet Secretariat, which coordinates Mongolia's OGP process. The OGP National Council, a multistakeholder forum, did not meet during the development or implementation of this action plan, and previously met only once in both 2014 and 2016. Many government stakeholders did not sufficiently prioritize the action plan or engage with civil society, and coordination during implementation worsened compared to the co-creation process. After the implementation period, communication saw some improvement. Spurred by receipt of an OGP Under Review Letter, the Prime Minister's advisor on governance affairs began to discuss the next co-creation process with civil society.<sup>4</sup> Co-creation for the next action plan has showed more active engagement with civil society.

The OGP process was impacted by political turnover during the implementation period. Following a co-creation process delayed by 2016 and 2017 elections, focus on the constitutional crisis and 2020 and 2021 parliamentary and presidential elections detracted from the implementation process. For context, amidst partisan political upheaval, the Mongolian People's Party majority parliament passed constitutional amendments limiting presidential authority and mandating that the president serve only one six-year term, blocking the Democratic Party president's eligibility for reelection.<sup>5</sup> Political turmoil continued to diminish government stakeholders' engagement with OGP commitments. The Cabinet Secretariat did not convene a government-wide process with sufficient coherence and focus on implementation. This was exacerbated by turnover of key Cabinet Secretariat staff. Additionally, the vast majority of government agencies, civil society organizations, and citizens were not aware of the OGP process.

One noteworthy commitment (Commitment 10) demonstrated marginal early results, expanding the release of beneficial ownership information. This progress reflected government involvement in the Extractive Industries Transparency Initiative (EITI). However, the remaining noteworthy commitments (Commitments 4 and 6) faced limitations. Commitment 4 made progress listing tenders on the contract transparency website, but was stalled by delayed establishment of the State Procurement Agency. Likewise, under Commitment 6, the Ministry of Justice undertook legal education trainings and published an online legal advice portal, but implementation suffered from budgetary restrictions. As for the action plan's other completed commitments, two were

implemented prior to the action plan (Commitments 2 and 12), and one did not have clear relevance to OGP values (Commitment 3).

## 2.2. COVID-19 pandemic impact on implementation

COVID-19 contributed to shifting priorities away from open government. It also played a role in the lack of communication from the Cabinet Secretariat, which was already an obstacle to the OGP process. Limitations on in-person meetings curtailed some initiatives, such as workshops and activities on citizen engagement in public procurement under Commitment 4 and outreach on beneficial ownership disclosure under Commitment 10. Under Commitment 6, intended in-person legal education trainings were replaced by online substitutes, with resultant learning gaps. In other cases, virtual meetings offered an alternative pathway to achieve progress.

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<sup>1</sup> Batbold Zagdragchaa, *Independent Reporting Mechanism (IRM): Mongolia End-of-Term Report 2016–2018* (OGP, 20 Aug. 2020), <https://www.opengovpartnership.org/documents/mongolia-end-of-term-report-2016-2018/>.

<sup>2</sup> OGP, “Procedural Review” (2021), <https://www.opengovpartnership.org/procedural-review/>.

<sup>3</sup> Acting Contrary to Process: Country did not meet (1) “involve” during the development or “inform” during implementation of the action plan, or (2) the government fails to collect, publish, and document a repository on the national OGP webpage in line with IRM guidance.

<sup>4</sup> OGP, “OGP, Mongolia – Under Review Letter (September 2021)” (13 Sep. 2021), <https://www.opengovpartnership.org/documents/mongolia-under-review-letter-september-2021/>.

<sup>5</sup> Enkhbaigali Byambasuren, “Is Mongolia Heading Toward One-Party Rule?” (*The Diplomat*, 18 May 2021), <https://thediplomat.com/2021/05/is-mongolia-heading-toward-one-party-rule/>.

## 2.3. Early results

The IRM acknowledges that results may not be visible within the two-year time frame of the action plan and that at least a substantial level of completion is required to assess early results. For the purpose of the Transitional Results Report, the IRM will use the “Did it Open Government?” (DIOG) indicator to highlight early results based on the changes to government practice in areas relevant to OGP values. Moving forward, new IRM Results Report will not continue using DIOG as an indicator.

Section 2.3 focuses on outcomes from implementing commitments that had an ambitious or strong design per the IRM Design Report assessment, or that may have lacked clarity or ambition but had successful implementation with “major” or “outstanding” changes to government practice.<sup>1</sup> Commitments considered for analysis in this section had at least a “substantial” level of implementation as assessed by the IRM in Section 2.4.<sup>2</sup> While this section analyzes the IRM’s findings for the commitments that meet the criteria described above, Section 2.4 includes an overview of the level of completion for all the commitments in the action plan.

<b>Commitment 10: Transparency of beneficial owners</b>	
<b>Aim of the commitment</b>	This commitment aimed to establish a legal framework for beneficial ownership transparency in the extractive sector and a publicly accessible beneficial ownership database. It was a component of Mongolia’s Roadmap for the Disclosure of Beneficial Owners Information with the Extractive Industries Transparency Initiative (EITI) Standard 2016–2020 and was carried over from the previous OGP action plan. Prior to implementation, existing laws did not mandate disclosure of companies’ beneficial ownership, although Mongolia became the second country to meet a satisfactory level of progress in implementing EITI standards in 2018. <sup>3</sup>
<b>Did it open government?</b>  <b>Marginal</b>	<p>This commitment saw positive progress on transparent beneficial ownership information. In the 2019 EITI report, 291 of 2,093 companies provided some beneficial ownership information,<sup>4</sup> although many instead provided legal ownership information. For context, a legal owner holds the company’s legal title under their name, while a beneficial owner may receive the benefits of ownership despite the title remaining under another’s name. To date, EITI reports are the only publicly available source of beneficial ownership information. With the deadline imposed by the Law on Procedures to Implement the General Taxation Law of March 2019, 29,948 companies (one-third of active entities) provided hardcopy beneficial ownership information to the General Authority for State Registration by the end of 2020. By 2021, companies were widely aware of their obligations to disclose this information. However, the registry is not publicly accessible. The paper-based system also makes it difficult for government agencies to verify information efficiently and identify suspicious patterns.<sup>5</sup> Outside of the commitment’s scope, the draft public data disclosure law (under deliberation by parliament in November 2021) would require disclosure of beneficial ownership information from all sectors.<sup>6</sup></p> <p>The commitment’s central objective was adoption and enforcement of the Extractive Sector Transparency Bill, which was drafted in early 2020 by the Ministry of Mining and Heavy Industry, but was still pending in November 2021. According to EITI, passage of the bill was delayed by parliamentary elections and a consequent re-drafting of the bill with input from the Asian Development Bank. The draft was finalized in June 2021 and added to a list of legislation to be</p>

	<p>discussed in parliament.<sup>7</sup> The Open Society Forum attributes slow progress to limited political interest in beneficial ownership reform.<sup>8</sup> A Brookings analysis notes that the bill has been deprioritized in favor of COVID-19 policies and lacks parliamentary support as this issue is not on the agenda of any political group or a member of parliament.<sup>9</sup> Mongolia’s removal from the Financial Action Task Force (FATF) grey list has also contributed to a loss of momentum.<sup>10</sup> The draft bill encompasses mandatory compliance with the global EITI standard and official establishment of the Mongolia EITI national council and secretariat, with state budget allocations. It includes clear sanctions on non-compliance. EITI considers passage of this bill to be fundamental to transparency in the extractive sector.<sup>11</sup></p>
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<sup>1</sup> IRM Design Reports identified strong commitments as “noteworthy commitments” if they were assessed as verifiable, relevant, and have transformative potential impact. If no commitments met the potential impact threshold, the IRM selected noteworthy commitments from the commitments with moderate potential impact. For the list of Mongolia’s noteworthy commitments, see the executive summary of the 2018–2020 IRM Design Report: <https://www.opengovpartnership.org/documents/mongolia-design-report-2019-2021/>.

<sup>2</sup> The following commitments assessed as noteworthy in Mongolia’s IRM Design Report were not included in this section because their limited implementation provided insufficient progress to assess results: Commitment 4: Ensure citizens’ and CSOs’ engagement in public procurements of health and road/transportation sectors; and Commitment 6: Increase legal knowledge of the target group through multistakeholder legal guide.

<sup>3</sup> IRM staff, *Independent Reporting Mechanism (IRM): Mongolia Design Report 2019–2021* (3 Nov. 2021), 39, <https://www.opengovpartnership.org/documents/mongolia-design-report-2019-2021/>.

<sup>4</sup> Grant Thornton Audit LLC, *Mongolia Fourteenth EITI Reconciliation Report 2019* (EITI, 2020), [https://eiti.org/files/documents/eiti\\_14\\_report\\_en-20201230\\_mongolia\\_report\\_2019.pdf](https://eiti.org/files/documents/eiti_14_report_en-20201230_mongolia_report_2019.pdf).

<sup>5</sup> Michael Barron, et al., “Beneficial ownership in Mongolia: A way forward” (Brookings, 23 Sep. 2021), <https://www.brookings.edu/research/beneficial-ownership-in-mongolia-a-way-forward/>.

<sup>6</sup> Shar Tsolmon (Extractive Industries Transparency Initiative), interview by IRM researcher, 5 Dec. 2021.

<sup>7</sup> *Id.*

<sup>8</sup> Erdenechimeg Dashdorj and Enkhtsetseg Dagva (Open Society Forum), interview by IRM researcher, 9 Nov. 2021.

<sup>9</sup> Barron, et al., “Beneficial ownership in Mongolia: A way forward.”

<sup>10</sup> The grey list refers to a list of jurisdictions under increased monitoring by FATF. Mongolia was placed on this list because of a 2016 mutual evaluation that found most of its anti-money laundering and counter-terrorist financing measures had low efficacy. In part, the desire for removal from this list motivated amendment of the General Law on State Registration and the introduction of a legal requirement to disclose beneficial ownership information. Mongolia was removed from this list in 2020, after the government agreed to an action plan addressing these shortcomings. According to a Brookings analysis, this removal reduced the incentive for beneficial ownership reform. See Barron, et al., “Beneficial ownership in Mongolia: A way forward.”

<sup>11</sup> Tsolmon, interview.

## 2.4. Commitment implementation

The table below includes an assessment of the level of completion for each commitment in the action plan.

Commitment	Completion: <i>(no evidence available, not started, limited, substantial, or complete)</i>
<p><b>1. Improve the strategic procurement process for healthcare service, make quality monitoring transparent</b></p>	<p><b>Limited:</b></p> <p>The Health Ministry approved a total of 16 standards and 15 instructions on care and services in 2019.<sup>1</sup> Parliament also passed amendments to the Health Insurance Law of Mongolia, the Health Law of Mongolia, and the Medicine and Medical Devices Law of Mongolia in August 2020, creating a legal framework to increase public funding for government-backed health insurance.<sup>2</sup> However, the government self-assessment report does not report any progress on converting contracts between health insurance and providers to performance and outcome-based active contracting. It also does not mention involving CSOs in procurement monitoring.<sup>3</sup> The commitment was in collaboration with the World Bank-funded Mainstreaming Social Accountability in Mongolia (MASAM) project, which did not record any progress beyond early 2019.<sup>4</sup> World Vision, the initial developer of the commitment, phased out involvement during implementation, but the Health Ministry did not subsequently take ownership.</p>
<p><b>2. Enable digital engagement of parents and community in operations of schools</b></p>	<p><b>Complete:</b></p> <p>The Education Sector Information System (ESIS), including a website and app, was developed before the implementation period began. ESIS allows registered parents to receive daily updates on their children, monitor their children’s schedule and performance, exchange information with teachers, and organize community initiatives with other parents.<sup>5</sup> In complement to the commitment, the Democracy Education Center (DEMO) ran a pilot project in five schools in the capital to engage parents’ utilization of the portal during the implementation period. However, ESIS continues to suffer low user uptake, which DEMO attributes to parents’ preference for Facebook and WhatsApp in accessing information and sharing feedback. Particularly for low-income families, large internet packages are less affordable than data packages.<sup>6</sup></p>
<p><b>3. Develop system that delivers public services online</b></p>	<p><b>Complete:</b></p> <p>Following a study and adoption of Government Resolution No. 149/2019, the E-Mongolia platform was launched in 2019, along with an app. It offers citizens, non-citizens, and business entities centralized electronic access to 445 government services at both the national and municipal levels. In some cases, appointments at government offices are required to receive these services. The platform lacks a direct commenting mechanism,<sup>7</sup> but citizens can message the E-Mongolia Facebook account for feedback and redress.<sup>8</sup> The platform was linked to the Khur state information exchange system. Government Resolution No. 90 of 2020 supported integrating public e-services into E-Mongolia. By October 2021, 4,649,666 services were provided nationwide through E-Mongolia,<sup>9</sup> and more than 500,000 users had installed</p>

	<p>the app.<sup>10</sup> The Democracy Education Center noted that inequities in access were likely prevalent for people with disabilities, without internet access, or technologically illiterate, but considers this commitment to have improved citizens' overall access to public services.<sup>11</sup> This commitment was not considered relevant to OGP values by the IRM Design Report.</p>
<p><b>4. Ensure citizens' and CSOs' engagement in public procurements of health and road/transportation sectors</b></p>	<p><b>Limited:</b></p> <p>Out of the commitment's six milestones on contract transparency, two were partially completed. The contract transparency website was nearly compliant with open contracting data standards (OCDS) by November 2021. Minor outstanding issues included that OCDS related endpoints were not listed in <a href="https://opendata.tender.gov.mn/">https://opendata.tender.gov.mn/</a>; getting data from the website required requesting an API token; and the website lacked an Open Contracting ID prefix.<sup>12</sup> While increasing the number of tenders listed on the website annually was not a stated objective of the commitment, this number doubled over the course of implementation, rising from 11,056 in 2018 to 22,604 in 2020 and 21,740 in 2021,<sup>13</sup> reflecting improved access to information on public procurement. The website lists entities that win tenders and copies of contracts, but no information is available on contract implementation. In many cases, tenders, contracts, and implementation reports have not been digitized.<sup>14</sup> In terms of public participation, the glass account portal (established in 2015 to make government bodies' budgetary information publicly available) includes a feedback channel,<sup>15</sup> but participatory monitoring efforts and reports on civil society engagement were not implemented due to government budget constraints. The OGP Multi-Donor Trust Fund contributed to early implementation.<sup>16</sup> However, since 2016, the absence of a government procurement agency had disrupted management of public procurement reforms,<sup>17</sup> such as this commitment. As a result, this commitment's progress was stalled by the delayed parliamentary re-establishment of the Government Procurement Agency, which took place in late 2020<sup>18</sup> through amendment of the 2013 Public Procurement Law.<sup>19</sup></p>
<p><b>5. Increase civic engagement, enhance the transparency, and monitor Local Development Fund (LDF) project implementation</b></p>	<p><b>Limited:</b></p> <p>This commitment faced a number of obstacles, including unclear policy, legal, and regulatory frameworks; redundancies in stakeholders' responsibilities; and budgetary restrictions.<sup>20</sup> Overall, the government self-assessment report noted limited progress on including citizens in planning, implementing, and monitoring Local Development Fund projects.<sup>21</sup> According to the Cabinet Secretariat, amendment of the national constitution left insufficient time to develop a legal environment for this commitment's implementation.<sup>22</sup></p>
<p><b>6. Increase legal knowledge of the target group through multistakeholder legal guide</b></p>	<p><b>Substantial:</b></p> <p>This commitment intended to enhance access to public legal education by identifying the unique needs of marginalized populations and appointing legal guides to provide accessible legal information. This is a component of the National Program for Improving Legal Education for All, introduced in 2018. Under the</p>



	<p>commitment, following a needs-assessment, efforts were undertaken to strengthen public legal education, although only a small portion focused on the needs of marginalized people. 1,136 legal guides were certified,<sup>23</sup> but only 187 were certified for assisting the LGBTQ+ and disabled communities.<sup>24</sup> Legal education trainings were held for 2,000 members of the general public, 139 people with disabilities, 1,547 high school students, and 387 parents and guardians.<sup>25</sup> In addition, an electronic guide of legal advice and information for citizens was added to <a href="http://www.e-khutuch.mn">www.e-khutuch.mn</a> in 2019. This portal features a legal database; information on legal frameworks for public transportation, employment, customs, taxation, business permits, education, financial services, and other areas; a feature facilitating discussion with government officers; and an embedded Facebook messenger chat box.<sup>26</sup></p> <p>Much of this commitment’s progress took place during first year of implementation, with positive collaboration between the Ministry of Justice and the Open Society Forum. There was little headway after 2020 due to the Forum’s funding limitations.<sup>27</sup> The commitment did not address supply constraints, such as a limited numbers of registered and practicing lawyers (2,077 in 2018), of which only 52 worked at legal aid centers.<sup>28</sup> According to the Forum, the commitment aimed to prepare paralegals to temporarily bridge the lack of lawyers for marginalized groups. Overall, the commitment did not accomplish its ultimate goal of establishing a national paralegal network. Future action plans would benefit from strong commitments on access to justice.<sup>29</sup></p>
<p><b>7. Citizens’ satisfaction survey</b></p>	<p><b>Limited:</b></p> <p>Under this commitment, the Cabinet Secretariat reports that a citizen satisfaction survey was conducted in 2019, introducing an external evaluation organization, rather than continuing agencies’ evaluation of their own work. The survey covered quality and access to public services; relationships, attitudes, knowledge, and skills of civil servants; and proposals for the government.<sup>30</sup> It was not published on the government’s monitoring and evaluation website.<sup>31</sup> No information was publicly available on the survey results, respondent numbers, dissemination, or application to government service delivery.</p>
<p><b>8. Create legal environment for transparency of political parties financing</b></p>	<p><b>Limited:</b></p> <p>The Ministry of Justice drafted a law on transparency of political party funding and introduced it to the Cabinet. To date, political obstacles have blocked the bill’s passage. In 2018, preceding the action plan’s implementation period, the Open Society Forum and International IDEA published an assessment of political party financing, including some recommendations for drafting the bill.<sup>32</sup> Despite setbacks to the bill’s passage, in November 2019, the government amended the constitution to include a clause requiring transparency in political parties’ funding assets, income sources, and expenditures.<sup>33</sup> There is no evidence of public engagement in the process, or organized advocacy work. Following the implementation period, the Open Society Forum</p>

	intends to undertake a new advocacy strategy of generating buy-in from the president to submit the bill to parliament. <sup>34</sup>
<b>9. Improve governance of state-owned enterprises</b>	<b>Limited:</b> During the implementation period, government and civil society fell into deadlock on appropriate pathways toward reform. No new processes were introduced for independent evaluations on corporate governance or public participation in selecting these companies' directors and executives. Capacity building was conducted on corporate governance for 270 companies. However, there is no evidence of improved public access to information on these companies' governance and operations. <sup>35</sup> Overall, there remains little accountability in the management of state-owned enterprises. <sup>36</sup> According to the Cabinet Secretariat, work on this commitment is to be continued into 2022. <sup>37</sup>
<b>10. Transparency of beneficial owners</b>	<b>Substantial:</b> For details regarding the implementation and early results of this commitment, see Section 2.3.
<b>11. Ensure transparency of contracts</b>	<b>Limited:</b> According to the Open Society Forum, efforts under this commitment mainly related the Mongolian government's EITI membership. <sup>38</sup> As discussed above, the key milestone of this commitment was not completed, as the bill on Extractive Sector Transparency was still pending in November 2021. In September 2021, after the end of the implementation period, the Ministry of Mining and Heavy Industry enacted a ministerial order on management of <a href="https://www.iltodgeree.mn">https://www.iltodgeree.mn</a> , a website for disclosing contracts. The order has not yet been registered with the Ministry of Justice. According to EITI, it resulted in approximately 150 more contracts published on the website by November 2021. <sup>39</sup> For context, the number of contracts uploaded on the website increased from 439 to 833 between 2018 and November 2021. <sup>40</sup> To improve civil participation in Natural Resources Use Agreements, the Open Society Forum ran a pilot project in several provinces, where local parliaments consulted with citizens before undertaking these agreements. When the project funding ran out, the consultations stopped, reflecting a lack of long-term impact on this practice. <sup>41</sup>
<b>12. M&amp;E online information system of the Cabinet Secretariat of the Government of Mongolia</b>	<b>Complete:</b> In 2012, the government began developing <a href="http://www.unelgee.gov.mn">http://www.unelgee.gov.mn</a> , an online information system to support the monitoring and evaluation of government administration. An open version of the portal was developed in 2018, prior to the action plan's publication, in partnership with the Asia Foundation's project on Stimulating Good Governance and Transparency in the Civil Service (Steps), with funding from the Ministry of Foreign Affairs of Canada. It 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; responses to public applications and complaints; development concepts and policies at the national and

	subnational levels; general evaluations of government performance; government strategic plans; and regular updates on government activities and programs. <sup>42</sup> The portal is internally focused, allowing government staff to input progress, but not allowing public feedback.
<b>13. Safety for the environment</b>	<p><b>Limited:</b></p> <p>According to the Cabinet Secretariat, 300 representatives of government, civil society, and research institutions attended a national forum on waste management in Ulaanbaatar in May 2019. For specially protected areas, 2,613 landowners released land use information on the Department of Land Management, Geodesy, and Cartography website, covering land fee, area size, unit number, and purpose. However, no new database was introduced, and information was not released on waste management, ecological responsibility, or sources of waste.<sup>43</sup> There is no evidence of publication of waste-related monitoring and research on budgets, enterprises, and public utility companies, nor of targeting particular organizations for advocacy on climate change.</p>

<sup>1</sup> Cabinet Secretariat, *НЗТ-н ҮАҮТ-III товч тайлан англи* [NAP-III Brief Report] (Cabinet Secretariat, 2021).

<sup>2</sup> Jamsran Gerelmaa, “Law amendments on Health-related laws in Mongolia: Strategic purchasing system is at the starting point of the way” (Social Health Protection Network, 18 Mar. 2021), <https://p4h.world/en/news/law-amendments-health-related-laws-mongolia-strategic-purchasing-system-starting-point-way>.

<sup>3</sup> Cabinet Secretariat, *НЗТ-н ҮАҮТ-III товч тайлан англи*.

<sup>4</sup> MASAM, “Irgen-Tur (Citizens-State)” (World Bank, accessed 24 Nov. 2021), <http://www.irgen-tur.mn/en>.

<sup>5</sup> Educational Information Technology Center, “МАНАЙ СИСТЕМД НЭВТРЭХ” [Log Into Our System] (accessed 19 Nov. 2021), [https://www.esis.edu.mn/hr/index.htm#](https://www.esis.edu.mn/hr/index.htm#/).

<sup>6</sup> Undral Gombodorj (Democracy Education Center), interview by IRM researcher, 16 Nov. 2021.

<sup>7</sup> Dept. of Communications and Information Technology, “E-Mongolia” (accessed 11 Oct. 2021), <https://e-mongolia.mn/home>.

<sup>8</sup> “E-Mongolia” (Facebook, accessed 11 Oct. 2021), <https://www.facebook.com/emongolia/>.

<sup>9</sup> Dept. of Communications and Information Technology, “E-Mongolia.”

<sup>10</sup> “e-Mongolia” (Google Play, accessed 11 Oct. 2021),

[https://play.google.com/store/apps/details?id=mn.gov.emongolia&hl=en\\_US&gl=US](https://play.google.com/store/apps/details?id=mn.gov.emongolia&hl=en_US&gl=US).

<sup>11</sup> Gombodorj, interview.

<sup>12</sup> Viktor Nestulia (Open Contracting Partnership), correspondence with IRM researcher, 1 Dec. 2021.

<sup>13</sup> Public Procurement System of Mongolia, “Invitation of Bid” (accessed 12 Jan. 2022),

<https://www.tender.gov.mn/en/invitation?year=allYear&get=1>.

<sup>14</sup> Tserensambuu Nurenzedgombo (State Procurement Agency), interview by IRM researcher, 10 Nov. 2021.

<sup>15</sup> For example, see: Min. of Finance, “МОНГОЛ УЛСЫН ИХ ХУРЛЫН ДАРГА” [Speaker of the Parliament of Mongolia] (accessed 19 Nov. 2021), <https://www.shilendans.gov.mn/org/2?form=4793723&year=2021&month=3&group=0&task=24>.

<sup>16</sup> OGP, “Supporting Implementation through the OGP Multi-Donor Trust Fund” (accessed 16 Dec. 2021), <https://www.opengovpartnership.org/ogp-multi-donor-trust-fund/supporting-implementation-through-the-ogp-multi-donor-trust-fund/>; Nurenzedgombo, interview.

<sup>17</sup> M. Anudari, “Public Procurement Agency established” (Montsame, 19 Dec. 2019),

<https://www.montsame.mn/en/read/210387>.

<sup>18</sup> Nurenzedgombo, interview.

<sup>19</sup> World Bank Group, *Mongolia - Public Expenditure and Financial Accountability: Performance Assessment Report 2021 (English)* (12 Oct. 2021), <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/170471633669495397/mongolia-public-expenditure-and-financial-accountability-performance-assessment-report-2021>.

<sup>20</sup> Asian Development Bank, *Decentralization, Local Governance, and Local Economic Development in Mongolia* (Aug. 2021), <https://www.adb.org/sites/default/files/publication/726896/decentralization-governance-economic-development-mongolia.pdf>.

<sup>21</sup> Cabinet Secretariat, *НЗТ-н ҮАҮТ-III товч тайлан англи*.

<sup>22</sup> R. Duurenbayar (Cabinet Secretariat), correspondence with IRM researcher, 1 Dec. 2021.

<sup>23</sup> Cabinet Secretariat, *НЗТ-н ҮАҮТ-III товч тайлан англи*.

<sup>24</sup> Badamragchaa Purevdorj (Open Society Forum), interview by IRM researcher, 6 Dec. 2021.

<sup>25</sup> Cabinet Secretariat, *НЗТ-н ҮАҮТ-III товч тайлан англи*.

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- <sup>26</sup> National Institute of Law, “e-khutuch.mn” (accessed 24 Nov. 2021), <http://www.e-khutuch.mn/>.
- <sup>27</sup> Erdenechimeg Dashdorj and Enkhtsetseg Dagva (Open Society Forum), interview by IRM researcher, 9 Nov. 2021.
- <sup>28</sup> IRM staff, *Independent Reporting Mechanism (IRM): Mongolia Design Report 2019–2021* (OGP, 3 Nov. 2021), 29, <https://www.opengovpartnership.org/documents/mongolia-design-report-2019-2021/>.
- <sup>29</sup> Purevdorj, interview.
- <sup>30</sup> Duurenbayar, correspondence.
- <sup>31</sup> Mongolian Government, “Иргэдийн сэтгэл ханамжийн судалгаа” [Citizen Satisfaction Survey] (accessed 24 Nov. 2021), <http://unelgee.gov.mn/open/home/19>.
- <sup>32</sup> Dashdorj and Dagva, interview.
- <sup>33</sup> Munkhsaikhan Odonkhuu, “Mongolia’s Long, Participatory Route to Constitutional Reforms” (International IDEA, 20 Jan. 2020), <https://constitutionnet.org/news/mongolias-long-participatory-route-constitutional-reforms>.
- <sup>34</sup> Dashdorj and Dagva, interview.
- <sup>35</sup> Duurenbayar, correspondence.
- <sup>36</sup> Natural Resource Governance Institute, “Mining Governance in Mongolia Improves Slightly, But Public Disclosures and Governance of State-Owned Enterprises Require Attention” (30 Jun. 2021), <https://resourcegovernance.org/news/mining-governance-mongolia-improves-public-disclosures-governance-state-owned-enterprises>.
- <sup>37</sup> Duurenbayar, correspondence.
- <sup>38</sup> Dashdorj and Dagva, interview.
- <sup>39</sup> Shar Tsolmon (Extractive Industries Transparency Initiative), interview by IRM researcher, 5 Dec. 2021.
- <sup>40</sup> Open Society Forum, EITI Secretary of Mongolia, and Ministry of Mining and Heavy Industry, “Resource Contracts Mongolia” (accessed 17 Nov. 2021), <http://www.iltodgeree.mn/>; IRM staff, *Independent Reporting Mechanism (IRM): Mongolia Design Report 2019–2021*.
- <sup>41</sup> Dashdorj and Dagva, interview.
- <sup>42</sup> IRM staff, *Independent Reporting Mechanism (IRM): Mongolia Design Report 2019–2021*.
- <sup>43</sup> Duurenbayar, correspondence.

### III. Multistakeholder Process

#### 3.1. Multistakeholder process throughout action plan implementation

In 2017, OGP adopted the *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.

OGP’s *Articles of Governance* also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to the OGP process. Mongolia **acted contrary** to OGP process.<sup>1</sup> Mongolia did not meet the minimum threshold for “inform” during implementation of the action plan and did not publish a repository in line with IRM guidance.

Please see Annex I for an overview of Mongolia’s performance implementing the *Participation and Co-Creation Standards* throughout the action plan implementation.

Table 3.2: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply it to OGP.<sup>2</sup> In the spirit of OGP, most countries should aspire to “collaborate.”

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

During implementation of the action plan, civil society stakeholders reported no engagement between government and civil society, with no opportunities for civil society to influence decision-making or be informed of commitments’ progress. The government’s failure to prioritize the OGP process, as well as COVID-19, contributed to closing communications between the Cabinet Secretariat and civil society.<sup>3</sup> Civil society efforts to engage relevant government stakeholders were rebuffed.<sup>4</sup> Implementing agencies also reported receiving no responses to requests for meetings or support from the Cabinet Secretariat during implementation.<sup>5</sup> Having received no communication from the government since the co-creation process ended, a group of CSOs sent a letter to the Cabinet Secretariat in January 2021 but received no reply until June 2021, and no follow-up until August 2021. Following receipt of an OGP Under Review Letter, the Prime Minister’s advisor on governance affairs began to open engagement, reaching out to civil society to discuss the co-creation of the fourth action plan.<sup>6</sup>

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<sup>1</sup> Acting Contrary to Process: Country did not meet (1) “involve” during the development or “inform” during implementation of the action plan, or (2) the government fails to collect, publish, and document a repository on the national OGP webpage in line with IRM guidance.

<sup>2</sup> IAP2, “IAP2 Spectrum of Public Participation” (2018),

[https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum\\_8.5x11\\_Print.pdf](https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf).

<sup>3</sup> Erdenechimeg Dashdorj and Enkhtsetseg Dagva (Open Society Forum), interview by IRM researcher, 9 Nov. 2021.

<sup>4</sup> Undral Gombodorj (Democracy Education Center), interview by IRM researcher, 16 Nov. 2021.

<sup>5</sup> Tserensambuu Nurenzedgombo (State Procurement Agency), interview by IRM researcher, 10 Nov. 2021.

<sup>6</sup> Dashdorj and Dagva (Open Society Forum), interview; Gombodorj, interview.

## 3.2. Overview of Mongolia's performance throughout action plan implementation

Key:

Green= Meets standard

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

Red= No evidence of action

<b>Multi-stakeholder Forum</b>	During Development	During Implementation
<b>1a. Forum established: The OGP National Council was established in 2014,<sup>1</sup> but has not met since 2016. While during co-creation, there was some degree of exchange between government and civil society, there was no consultation during implementation.</b>	Yellow	Yellow
1b. Regularity: The OGP National Council did not convene during the implementation period. <sup>2</sup>	Yellow	Red
1c. Collaborative mandate development: The IRM did not find evidence that a mandate was collaboratively developed.	Red	NA
1d. Mandate public: There was no public information available on the multistakeholder forum's remit, mandate, and structure.	Red	Red
<b>2a. Multi-stakeholder: The forum did not meet during implementation, but has included both governmental and nongovernmental representatives.</b>	Green	Green
2b. Parity: The initial membership of the multi-stakeholder forum comprised a diverse array of stakeholders from government and civil society. The continuation of this composition is unclear at present.	Yellow	Yellow
<b>2c. Transparent selection: The IRM cannot assess this metric for the OGP National Council, as it did not meet during the development or implementation of the third action plan.</b>	Red	NA
2d. High-level government representation: The forum includes the head of the Cabinet Secretariat and State Secretaries of Ministries, <sup>3</sup> but did not meet during implementation.	Green <sup>4</sup>	Green
<b>3a. Openness: The forum did not accept input or representation on action plan implementation from any civil society or other stakeholders outside the forum.<sup>5</sup></b>	Red	Red
3b. Remote participation: The multi-stakeholder forum did not meet during implementation, with no opportunities for remote participation. However, there were opportunities for remote participation in at least some commitment-level meetings and events.	Red	Red

3c. Minutes: The government did not communicate on its decisions, activities, or results to wider government and civil society stakeholders. <sup>6</sup>	Red	Red
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Key:

Green= Meets standard

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

Red= No evidence of action

Action Plan Implementation	
4a. Process transparency: There is no national OGP website, and regular updates were not provided on the progress of commitments.	Red
4b. Communication channels: There is no national OGP website to allow the public to comment on action plan progress updates.	Red
4c. Engagement with civil society: The government did not hold meetings with civil society to discuss implementation of the action plan. <sup>7</sup>	Red
4d. Cooperation with the IRM: The government did not share a link to the IRM report with other government institutions and stakeholders to encourage input during the public comment phase.	Red
4e. MSF engagement: The OGP National Council did not monitor or deliberate on how to improve implementation of the action plan. <sup>8</sup>	Red
4f. MSF engagement with self-assessment report: The government did not submit its end-of-term self-assessment report to the national multi-stakeholder forum for comments and feedback.	Red
<b>4g. Repository: Mongolia does not have a national OGP website or repository, as advised by <a href="#">IRM guidance</a>. Development of a repository is reportedly underway.</b>	<b>Red</b>

<sup>1</sup> Undral Gombodorj (Democracy Education Center), interview by IRM researcher, 16 Nov. 2021.

<sup>2</sup> *Id.*

<sup>3</sup> R. Duurenbayar (Cabinet Secretariat), correspondence with IRM researcher, 1 Dec. 2021.

<sup>4</sup> Note that this coding is an update on the Design Report, which previously coded high-level government representation as red, as government participants in the co-creation process lacked decision-making authority and familiarity with OGP processes. Despite the lack of engagement of the multi-stakeholder forum in the design or implementation of this action plan, the coding in this report has been changed to reflect the high-level government representatives on the OGP National Council. For prior coding rationale, see IRM staff, *Independent Reporting Mechanism (IRM): Mongolia Design Report 2019–2021* (OGP, 3 Nov. 2021), <https://www.opengovpartnership.org/documents/mongolia-design-report-2019-2021/>.

<sup>5</sup> Erdenechimeg Dashdorj and Enkhtsetseg Dagva (Open Society Forum), interview by IRM researcher, 9 Nov. 2021.

<sup>6</sup> *Id.*

<sup>7</sup> Gombodorj, interview.

<sup>8</sup> *Id.*



## IV. Methodology and Sources

Research for the IRM reports is carried out by national researchers. All IRM reports undergo a process of quality control led by IRM staff to ensure that the highest standards of research and due diligence have been applied.

The International Experts Panel (IEP) of the IRM oversees the quality control of each report. The IEP is composed of experts in transparency, participation, accountability, and social science research methods.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual<sup>1</sup> and in *Mongolia's Design Report 2019–2021*.

### About the IRM

**The Open Government Partnership (OGP)** aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses 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.

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<sup>1</sup> OGP, *IRM Procedures Manual* (16 Sep. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

## Annex I. IRM Indicators

The indicators and method used in the IRM research can be found in the *IRM Procedures Manual*.<sup>1</sup> A summary of key indicators the IRM assesses is below:

- **Verifiability:**
  - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
  - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment’s relevance to OGP values. Based on a close reading of the commitment text in the action plan, the guiding questions to determine the 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?
- **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 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 IRM Implementation Report.

### Results-oriented commitments?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design is one that 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 particular interest to readers and usefulness for encouraging a race to the top among OGP-participating entities. To receive a star, a commitment must meet several criteria:

- The commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact as assessed in the Design Report.
- The commitment’s implementation must be assessed by IRM Implementation Report as **substantial** or **complete**.

This variable is assessed at the end of the action plan cycle, in the IRM Implementation Report.

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<sup>1</sup> OGP, *IRM Procedures Manual* (16 Sep. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.