

Resolution of the OGP Steering Committee Regarding the Participation Status of El Salvador in OGP

24 March 2022

The Steering Committee welcomes El Salvador's participation in the Open Government Partnership (OGP) as one of its first members since 2011. El Salvador co-created five action plans as a member of OGP. The Steering Committee is therefore deeply concerned with the disengagement of an early adopter and formally active member.

In July 2021, El Salvador was placed under Procedural Review for failing to meet the minimum OGP eligibility criteria for two consecutive years. In addition, El Salvador did not act in accordance with the OGP process, as required in the Articles of Governance, during its 2018-2020 action plan cycle. Specifically, El Salvador did not meet the the minimum participation and co-creation requirements during the implementation of the action plan; the government failed to collect, publish and document a repository on the national OGP website or webpage; and the Independent Reporting Mechanism (IRM) has established that the government has made no progress in implementing any of the commitments in the action plan. More recently, El Salvador has failed to deliver a new action plan by the 31 December 2021 deadline, and as a result acted contrary to process again.

These procedural setbacks fall against a backdrop of existing challenges to uphold OGP values outlined in the Open Government Declaration. In June 2021, members of this Steering Committee expressed their concern about serious allegations from Salvadoran civil society organizations regarding the closing of civic space, and the overall declining trend of civil liberties and ongoing democratic regression in the country.² The Steering Committee called on the government of El Salvador to reestablish dialogue with civil society, and to utilize its next OGP action plan to address these challenges. Unfortunately, the government of El Salvador has not submitted a new action plan.

The OGP Steering Committee welcomes and appreciates the renewed high-level commitment of the government of El Salvador to re-engage with OGP, as stated in the letter from Commissioner President Gómez Guerrero received on 10 March 2022 where we were informed that the OGP agenda moved from the Judiciary Secretary at the President's Office to the Access to Information Institute.³

Furthermore, on 21 March 2022 the Steering Committee received a letter⁴ from five civil society organizations (CSO) from El Salvador that have participated in the domestic OGP process since 2011. We acknowledge this letter and invite the government of El Salvador to carefully consider the conditions presented by the undersigned CSOs to re-establish their participation in the OGP process.

² Steering Committee statement on El Salvador (June 10, 2021):

<https://www.opengovpartnership.org/news/ogp-steering-committee-statement-on-el-salvador/>

³ Letter from El Salvador informing of new ministerial and government points of contact (March 10, 2022)

https://www.opengovpartnership.org/wp-content/uploads/2022/03/El-Salvador_New-Ministerial-and-Government-Point-of-Contact_20220310.pdf

⁴ Letter from Civil Society Organizations to the Steering Committee (March 21, 2022)

https://www.opengovpartnership.org/wp-content/uploads/2022/03/El-Salvador_Letter-from-CSOs-Inactivity-unnofficial-translation_20220321.pdf

Considering that the government of El Salvador has acted contrary to OGP process on numerous occasions and in different ways as stated above, and in order to maintain a consistent and fair approach to enforcing OGP requirements asked of all members, **the Steering Committee on balance resolves to designate El Salvador as inactive in OGP.**

The Steering Committee encourages the government of El Salvador to follow through on its expressed commitment to conduct an extensive, inclusive and genuine co-creation process with political support at the highest level and the expressed intent of strengthening democratic institutions and protecting civic space. The Steering Committee also expresses its willingness to support El Salvador to regain active status.

This inactive status may last up to one year from the date of this resolution, or until the following conditions are met:

1. A new action plan is co-created and submitted no later than March 24, 2023; and
2. This action plan meets the minimum requirements established in the Participation & Co-Creation Standards, as assessed by the IRM.

Failure to meet these requirements will automatically result in the cessation of El Salvador's membership status in the OGP.⁵

Inactive countries are ineligible to participate in Steering Committee elections, and may only attend OGP events as observers for learning purposes. A country's inactive status will be noted on the OGP website and public information materials, where appropriate (e.g., in a list of participating OGP countries). Any country, whether in active or inactive status, may at any time decide itself to withdraw from the OGP.

⁵ A country that regains eligibility may still remain under Procedural Review until it meets OGP's eligibility requirements, however, this issue would not lead to withdrawal.

