

Open Government Partnership

Criteria & Standards Monthly Call Summary

24 February 2022 | 10:00 - 11:00 ET

Attendees

- Government of Germany: Sebastian Haselbeck
- Government of Canada: Mélanie Robert
- Government of Georgia: Kety Tsanova

- Lucy McTernan, University of York
- Nikhil Dutta, ICNL
- Lysa John, CIVICUS
- Elisa Peter, Publish What You Pay

Apologies

- Government of Nigeria
- Doug Rutzen, ICNL

I. Procedural Review Cases & Inactivity Resolutions [decisional item]

Reference materials:

- *Technical overview of the Procedural Review (annexed to this agenda)*

The Support Unit (SU) presented an overview of OGP members that are currently under “Procedural Review” (see list below) due to acting contrary to process for two consecutive action plan cycles (see annex for technical overview).

In line with OGP policy, countries that act contrary to process for three consecutive cycles may be designated as “inactive” by recommendation of the Criteria & Standards subcommittee (C&S) and resolution of the full Steering Committee (SC).

The following inactivity cases were presented for C&S decision during this meeting:

- A. Inactivity recommendation due to late action plan delivery for three consecutive cycles:
1. Bulgaria
 2. Israel (conditional)¹
 3. Malawi
 4. Malta

¹ Israel has sent a [ministerial letter requesting an extension](#). Precedence for similar cases has been to issue a resolution acknowledging high-level engagement but initiating automatic inactivity if an action plan is not delivered by December 31, 2022 (see Jamaica [example](#)).

B. Inactivity recommendation due to failing eligibility, not meeting minimum standards, and late action plan delivery:

1. El Salvador

C. Non-decisional (ongoing review):

1. The UK will remain under review until the IRM determines they met the minimum standards; 2021 action plan delivered on time.
2. Papua New Guinea failed eligibility 2019, 2020 and 2021; and late AP in 2021. Process ongoing.

List of countries under Procedural Review:

Due to late action plan delivery	Due to not meeting co-creation Standards	Due to not meeting minimum eligibility criteria
1. Bulgaria***	9. Albania	15. Burkina Faso
2. Cabo Verde	10. Greece	16. Papua New Guinea
3. Dominican Republic	11. Mongolia	17. Tunisia
4. El Salvador***	12. Norway	
5. Israel***	13. Sweden	
6. Malawi***	14. United Kingdom	
7. Malta***		
8. Pakistan		

*** *Inactivity recommendations*

Decisions: C&S has agreed to the following actions:

- Recommend immediate inactivity status for Bulgaria, Malawi, Malta, and El Salvador for SC approval at its March 24 meeting.
- Recommend conditional inactivity status for Israel, contingent upon an Action Plan delivery by no later than December 31, 2022, for SC approval at its March 24 meeting.

Resolutions for each of these cases will be drafted and prepared for the full Steering Committee's review and approval at its March meeting.

The SU and C&S will continue to remain available and vigilant for any opportunities to re-engage the countries listed above and provide quarterly progress updates. C&S also requested the SU continue to invest in tracking and evaluating methods for engaging with countries that have started to backslide, and to ensure C&S remains aware early in the process to develop strategies for engagement that include SC governments, civil society and the SU. C&S also requested to discuss how to connect the procedural discussions with the political outreach needed to re-engage countries in OGP.

II. IRM update on International Expert Panel Selection process

The IRM Director shared an overview of the recruitment process of new International Expert Panel (IEP) members (oversight body for the IRM). The IEP guarantees the independence and quality of the IRM through two functions: governance and advisory of the IRM as a whole, and quality assurance of the IRM process. Much of the interviewing and candidate review work would happen in the month of March.

In keeping with the C&S mandate of providing a watching brief, the IRM would like to have a member of the C&S subcommittee as part of the IEP selection committee. Interested candidates were asked to discuss further with the IRM Director and the C&S Co-Chairs.

III. AOB

A. Next C&S Meeting

The next C&S meeting will occur in mid-April and will include the agenda for the subcommittee for 2022 work.

Annex. Overview of current Procedural Review protocol & failure to maintain eligibility

A. *Procedural Review*

In line with the Articles of Governance, the Criteria & Standards (C&S) Subcommittee has the mandate to uphold OGP values and procedures. Procedural Review was established to ensure that all OGP members act in accordance with the OGP process.

An OGP member country is therefore considered to be acting contrary to process when any of the following takes place:

1. The government does not publish an Action Plan within the established deadlines.
2. The government does not meet the minimum requirements established in the Participation & Co-Creation Standards as assessed by the IRM.
3. The government fails to make progress on implementation of any of the commitments in the country's Action Plan as assessed by the IRM.

When a country acts contrary to process, the Support Unit will notify the government and will publish a notification letter on the website and in the OGP Gazette.

Countries that act contrary to OGP process for two consecutive action plan cycles will be automatically placed under "Procedural Review" by the C&S Subcommittee, which involves enhanced support to help address the issues that have led to this review.

The list of countries under review is updated on a rolling basis and made public on the OGP website.

To be removed from “Procedural Review”, a country must rectify the issues that resulted in being placed under review (i.e. the second occurrence of acting contrary to process), in line with the following protocol:

Reason for being placed under Procedural Review	Requirement to be removed from Procedural Review
Late action plan	Submit next new action plan by the established deadline
Not making progress in implementation	Progress is made on implementation, as assessed by the IRM in the Results Report (within four months after completion).
Not meeting the minimum Standards	Meet the minimum standards, as assessed by the IRM, in the Action Plan Review report (within four months after delivery) or in the Results Review report (within four months after completion).

If a country that is already under Procedural Review and fails to address the problems that led to the review (e.g. acts contrary to process for a third consecutive cycle), C&S may recommend that the country be designated as “inactive” in OGP by resolution of the full Steering Committee. **N.b.** all inactivity cases to date have been due to failure to submit an action plan for three or more action plan cycles (e.g. [Trinidad and Tobago](#), [Bosnia & Herzegovina](#), [Pakistan](#)).

The terms of the inactivity resolution, and the circumstances in which the country may regain active status (or be required to withdraw from OGP) are determined at the discretion of the Steering Committee.

B. Failure to Maintain OGP Eligibility

If an OGP country’s [Core OGP Eligibility](#) score falls below the minimum performance criteria, it should take immediate and explicit steps to address the situation so that it meets the criteria within one year of that determination. If it fails to meet the Core Eligibility criteria within a one-year period, it will be placed under Procedural Review.

