

Independent Reporting Mechanism

Mongolia Co-Creation Brief
2023

Open
Government
Partnership



Independent
Reporting
Mechanism

Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of Mongolia's fifth action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country's context and presents recommendations. These recommendations are suggestions, and this brief does not constitute an evaluation of a particular action plan. Its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings. This brief is intended to be used as a resource as government and civil society determine the next action plan's trajectory and content. National OGP stakeholders will determine the extent of incorporation of this brief's recommendations.

The co-creation brief draws on the results of the research in prior [IRM reports for Mongolia](#) and draws recommendations from the data and conclusions of those reports. The brief also draws on other sources such as [OGP National Handbook](#), [OGP Participation and Co-creation Standards](#), and IRM guidance on [the assessment of OGP's minimum requirements](#) and [the minimum threshold for "involve"](#), to ensure that recommendations provided are up-to-date in light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments as well as other context-relevant practice in open government. The co-creation brief has been reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this co-creation brief in July 2023.

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Section I: Action Plan Co-Creation Process

Mongolia's action plans have improved government transparency on taxes, budget, natural resources, and crime, as well opening opportunities for civic participation in education and health services. However, Mongolia's government turnover has been a challenge to sustained engagement, and commitments' rates of completion and early results have been lower than the average across OGP countries. Mongolia strengthened its last co-creation process by providing reasoned response to the public on how their contributions were considered during development of the action plan. To raise the ambition of Mongolia's upcoming fifth action plan, opportunities could be made available to engage a broad range of stakeholders in developing commitments on civic space, extractives transparency, public procurement, and deliberative democracy. The IRM is also available to provide a design workshop on drafting results-oriented commitments.

To strengthen the co-creation process, the IRM recommends the following:

RECOMMENDATIONS

Recommendation 1: Provide open, accessible, and timely information about activities and progress on participation in OGP

Over the past year, Mongolia began to develop a national OGP website, but it is not currently accessible. An up-to-date OGP website and repository are necessary to meet Standards 2 and 3 of OGP [Participation and Co-Creation Standards](#) and will facilitate Mongolia's ability to meet the remaining standards. Moving forward, the OGP Point of Contact (POC) can ensure that the website is maintained, accessible to the public, and, at a minimum, contains the latest action plan. [Romania](#) and [Italy](#) provide examples of user-friendly national OGP websites. The IRM recommends the following for the website:

- **Publish the OGP National Council's basic rules**, including its mandate and structure, as well as evidence that it meets at least every six months (for examples, see [Australia's](#), [Morocco's](#), and [New Zealand's](#) websites).
- **Update the repository** at least every six months to ensure that information on action plan implementation and co-creation processes is up to date (for examples, see [Australia's](#), [Jordan's](#), [New Zealand's](#), and [the Philippines'](#) repositories).
- **Publish the co-creation timeline** and an overview of the opportunities for stakeholder participation at least two weeks before the action plan development process begins (for examples, see [Romania's](#) and the [Netherlands'](#) timelines).
- **Publish documentation of all input** received from stakeholders on the action plan, as well as detailed feedback on how these contributions were considered (for examples, see [Canada's](#), [Finland's](#), and [Morocco's](#) documentation).

Recommendation 2: Establish a space for ongoing dialogue and collaboration between government and civil society

During co-creation of the previous action plan, the Working Group to Develop the National Action Plan was established to offer a space for dialogue between the government and civil society. However, Mongolia's multistakeholder forum did not continue to meet regularly during the implementation period. In late 2022, a new OGP National Council was expanded, although the selection process for members was not participatory.

Standard 1 of OGP [Participation and Co-Creation Standards](#) requires a space for ongoing dialogue with participation from both government and civil society members—as well as other non-governmental representatives as appropriate—that meets regularly (at least every six months) and has basic participation rules that are publicly available. During development of the action plan, the IRM recommends ensuring that the mandate and membership of the OGP National Council are transparent and determined with civil society, including human rights organizations. For instance, in [the Philippines](#), multistakeholder forum members from civil society were chosen by their peers during sectoral and non-government assemblies. It is also valuable to provide this forum a role during finalization of the action plan to ensure that the scope of commitments is not amended without consulting civil society members.

To meet Standard 5, the OGP National Council can continue to meet through the remainder of the action plan cycle, holding at least two meetings every year with civil society to present implementation results and enable civil society to provide comments.

Recommendation 3: Strengthen government engagement in the OGP process

In co-creating the fifth action plan, the IRM recommends proactively seeking attendance from decision makers at relevant ministries. In the previous action plan, political instability affected government leadership in the co-creation process. High staff turnover in government ministries relevant to the commitments also inhibited transfer of institutional knowledge and process continuity. Achieving impact will require stronger ownership of action plan initiatives by government agencies. Direct involvement of high-ranking officials could help clarify what policy areas are realistic for OGP commitments versus what may be too politically challenging. [Croatia's](#) multistakeholder forum, for example, largely consists of high-level representatives of state authorities with either decision-making powers or easy access to decision makers.

To support government engagement in co-creating the fifth action plan, the government POC could initiate meetings with senior officials at relevant ministries. Ahead of these outreach meetings, the POC could prepare a memo summarizing the background of OGP in Mongolia to set the context. [Nigeria's](#) engagement strategy, in which the POC met with each ministry head to explain opportunities for engagement in the co-creation process, may be worth considering. Throughout the action plan cycle, relevant ministers or other high-level representatives can meet at regular intervals to discuss progress, delays, and opportunities to address challenges.

Recommendation 4: Design commitments with concrete and ambitious targets

The previous action plan addressed a diverse thematic focus. However, not all commitments set concrete and ambitious targets. In the upcoming co-creation process, commitment design can clearly outline ambitious numeric and geographic targets, as well as identify the necessary financial and other resources required to support implementation.

To draft specific and clear milestones, once broad consultations have defined thematic priorities, the IRM recommends bringing together policy experts, implementing agencies, and civil society organizations with technical knowledge to identify the specific activities that would contribute to the commitment's objectives. Before final validation of the action plan, a review of the draft commitments can verify that the milestones describe concrete activities with clear connection to the overall policy aims. Commitment design can clearly specify an

open government lens and sustainable improvements of existing government practices. For example, for a commitment that intends to evaluate a legislation, the milestones can include the implementation of resulting recommendations in subsequent legislative reforms.

To streamline coordination and planning for implementers, commitments with overlapping milestones can be consolidated into a single commitment. The government POC could also share the draft action plan with OGP Country Support for input. Additionally, the IRM is also available to provide a design workshop on drafting results-oriented commitments. It may also be useful to draw on the [OGP National Handbook](#).

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

The fifth action plan could build on previous plans' efforts to strengthen civic space, extractives transparency, and public procurement. Deliberative democracy could be a new area of opportunity for ambitious commitments.

AREA 1. Civic Space

Protecting civic space is an important policy area for Mongolia's open government process. Open government reforms are only possible when there is space for people to think and speak freely, act in coordination, and advocate for change. At present, CIVICUS defines Mongolia's civic space as [narrowed](#). In 2021, Mongolia began its first OGP commitment to improve the operating environment for civil society. This effort could be continued in the upcoming action plan. Commitments could institutionalize opportunities for civil society stakeholders to participate in the process of developing [laws that impact civic space](#), such as the Law on Protection of Human Rights on Social Networks. Participatory reforms could also [protect human rights defenders from reprisals](#), especially those in areas affected by mining operations and those working to defend economic, social, and cultural rights. These measures could, for instance, address provisions of the Criminal Code related to cooperation with foreign intelligence agencies (Article 19.4) and sabotage (Article 19.6).

Useful resources:

- OGP Democratic Freedoms Learning Network
- OGP: [Actions to Protect and Enhance Civic Space](#)
- OGP: [Civic Space and Open Government Reform in Asia Pacific](#)
- OGP: [Civic Space Fact Sheet](#)
- Related Commitments: Nigeria ([2019–2022](#)) and Luxembourg ([2019–2021](#))
- Partners that can provide technical support: [International Center for Not-for-Profit Law](#) (ICNL), [CIVICUS](#), and [Organisation for Economic Co-operation and Development](#) (OECD)

AREA 2. Extractives Transparency

Mongolia faced widespread [protests](#) against corruption in the coal industry in December 2022. With the extractive sector's central role in the national economy, Transparency International notes that lack of regulation of the raw materials industry contributed to Mongolia's historic low position on the 2022 [Corruption Perception Index](#). As the second country to have met the EITI requirements, Mongolia has used OGP action plans to attempt

to pass the Mineral Resources Transparency Bill. However, it remains stalled. The IRM recommends carrying forward efforts to mandate extractives sector transparency, including beneficial ownership information. The next action plan could engage the Ministry of Finance, along with the Ministry of Mining and Heavy Industries, in supporting these measures. Widening opportunities for civil society collaboration on the reform effort, beyond private sector actors, would also be productive. In addition, prior to passage of the bill, a ministerial order could address certain gaps.

Useful resources:

- OGP: [Extractive Industries Fact Sheet](#)
- OGP [Beneficial Ownership Leadership Group](#)
- Open Ownership: [Beneficial Ownership Data Standard](#)
- Related Commitments: Armenia ([2018-2020](#)), Kenya ([2016-2018](#)), and Nigeria ([2019-2022](#))
- Partners that can provide technical support: [Publish What You Pay](#), [the Extractive Industries Transparency Initiative](#), [the Financial Action Task Force](#), [the G20 Anti-Corruption Working Group](#), and [Open Ownership](#)

AREA 3. Public Procurement

Mongolia's public procurement process faces high corruption [risks](#) of bribes, irregular payments, and conflicts of interest. In recent years, the Independent Authority Against Corruption, journalists, and activists have reported many [breaches](#) of public procurement rules. For this type of open contracting reform, OGP has [proven](#) to be an effective platform to deliver strong results. Mongolia's previous action plans have made consistent, albeit gradual, progress on opening access to online procurement data. Following Mongolia's historic low rating on the 2022 [Corruption Perception Index](#), Transparency International suggests revising procurement laws, among other steps. The next action plan can build momentum towards these reforms. Following revision of the Public Procurement Law, Mongolia could [update](#) existing regulations and standard bidding documents at the central level as well as regulate and monitor public procurement activities in both central and local governments. It could link procurement data with beneficial ownership data, for transparency on who benefits from the majority of state budget spending. The State Procurement Agency could also digitize paper-based submissions in a machine-readable open data format, rather than scanning these submissions. Cross-sectoral effort between the Ministry of Digital Development and the State Procurement Agency could further address gaps in government systems that are not yet online as well as increase citizen access to procurement information despite low internet connectivity rate.

Useful resources:

- OGP: [Open Contracting](#)
- OGP: [Three Factors to Ambitiously Implement Open Procurement Reforms](#)
- Transparency International: [Recommendations on Open Contracting for OGP Action Plans](#)
- Related Commitments: Indonesia ([2022-2024](#)), Italy ([2016-2018](#)), France ([2015-2017](#)), New Zealand ([2022-2024](#))
- Partners that can provide technical support: [Open Contracting Partnership](#), Asian Development Bank, [Transparency International](#)

AREA 4. Deliberative Democracy

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Mongolia held its [second](#) national deliberative poll in 2023. Since 2017, deliberative polling has been required for constitutional amendments, funding for certain local projects, and the planning of several public spaces. In the next action plan, the Parliamentary Education Unit could lead a commitment to strengthen the impact of deliberative polling in Mongolia. For instance, it could consider linking deliberative polls to national referenda, as well as widening the ability to initiate a referendum. The OECD has outlined [ways to institutionalize deliberative democracy](#), including giving citizens the right to demand a deliberative process, requiring deliberation before certain kinds of policy decisions, sequencing deliberative processes throughout a policy cycle, and connecting deliberation to parliamentary committees. This could offer a new opportunity for the parliament to engage in Mongolia's open government process.

Useful resources:

- OECD: [Eight ways to institutionalise deliberative democracy: Overview](#)
- Routledge: [Deliberative Democracy in Asia](#)
- OGP: [Five Tips for Weaving Citizen Participation into the Fabric of Government](#)
- OGP: [Parliamentary Engagement in National OGP Processes](#)
- Related Commitments: Scotland ([2021-2025](#)), Australia ([2016-2018](#))
- Partners that can provide technical support: [OECD](#), [The Citizens' Assembly](#), [Involve](#).