



# POLICY BRIEF: TRANSPARENCY, THE OPEN GOVERNMENT WEB SITE AND PUBLIC PARTICIPATION

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## Issue Background

Global coverage and rapid expansion of Internet services and access continue to create opportunities and challenges for communication as new uses of the medium emerge and redefine new ways of doing things. Governments' use of the Internet is no exception. As every government seeks to have at least a presence in the World Wide Web, its citizens and the world at large can quickly judge the quality of this electronic presence and, by inference, of its institutions. Properly managing this virtual presentation of a country on the Web has become an imperative.

The Government of Mongolia (GoM) supports a range of Web sites of diverse interest and content quality. At the top end there are sites that are actively managed and provide fresh and relatively useful content while others seem not to refresh their contents often enough nor provide much useful information. Overall, Mongolia's image on the Web could be vastly improved by carefully targeted improvements of some of its key Web sites. One such site is the *Open Government* (OG) Web site ([www.open-government.mn](http://www.open-government.mn)) attached to the Prime Minister's Office.

Running in Mongolian and English, the OG site is a virtual presentation of the Prime Minister and Ministerial Cabinet to Mongolians and the world at large and can lead in setting up and implementing relatively simple procedures to improve public participation and debate of proposed new laws, amendments, and regulations. These relatively simple procedures would address the perceived current lack of transparency of the process of proposing new laws, amendments to existing ones, and new regulations.

## The Problem

Under the current system to propose new laws or amendments:

- The public is not given timely notice of proposed new laws and amendments
- Texts of draft laws and amendments are not always posted for public comments
- There are no mandated standard procedures for minimally required periods of public comment as draft legislation or amendments move through different stages, depending on the originator of the draft
- There are no standard operating procedures for responding to public comments.

As a result, the public is often surprised to learn that a draft new law or amendment(s) are being considered of which they were not aware nor have had the opportunity to read and comment upon if interested. Under these circumstances the perception that the government is trying to hide something and is not transparent is understandable.

## Proposed actions

The National Legal Center (NLC) and EPRC have examined the relevant legislation, GoM Resolution and Ikh Hural Resolutions on the matter and could draft proposed amendments to current resolutions for Cabinet consideration and adoption within the framework of the "100-Day Plan of Reforms." EPRC will continue to provide technical support to the OG Web site to implement the required changes. Specific key actions for consideration include:

1. Formation of a working group with legal/technical support from NLC and EPRC, coordinated by Mr Saikhanbileg as Public information Advisor to the PM, to include representatives from the Ikh Hural, President's Office, and Ministry of Justice and Home Affairs to agree on objectives, plan of action, responsibilities of parties, time frames and help write proposed amendments to existing resolutions
2. Objectives of the proposed amendments to existing resolutions would be to set and implement procedures mandating public posting of all proposed new laws in the OG site if originating from ministries or in the relevant Web sites of the Ikh Hural and Office of the Presidency (with links from the OG site pointing at them); mandating minimum periods for public comment for initial and any successive drafts of proposed draft laws and amendments and procedures for responding to public comments
3. Final report of working group will be in the form of draft amendments to GoM Resolution 2000-No.178 to be submitted to PM's Office no later than 8 November 2004 for consideration of inclusion in Cabinet agenda
4. While other sites may post final versions of laws and amendments enacted, the NLC shall assume its statutory responsibility for posting and continuous updating all laws in its Web site.

## Sources

*Open Government* Web site ([www.open-government.mn](http://www.open-government.mn)).

GoM Resolution 2000-No 178 on Cabinet Procedural Rules.

Law on Drafting and Submitting Laws & Other Resolutions of the Ikh Hural of 8 November 2001.

Resolution of Ikh Hural of 21 June 2001, No. 61 and its Amendment of 13 May 2004.