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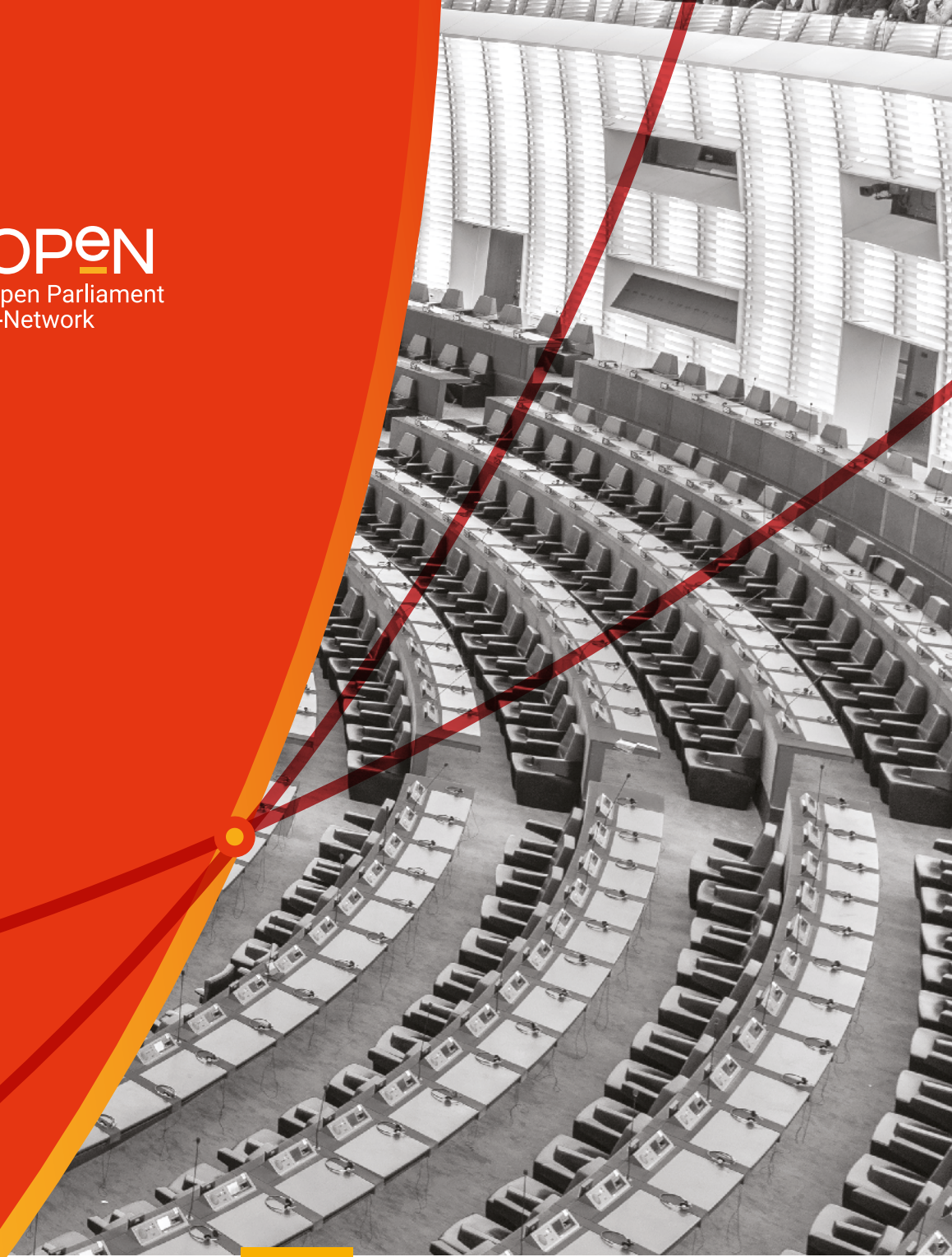
OPEN
Open Parliament
e-Network

Parliaments and open government

Early lessons from country experiences

OCTOBER 2020

INDEX

INTRODUCTION

The role of parliaments in advancing the open government agenda has gained interest in recent years, with growing recognition that legislatures can be strong drivers of openness reform. This has led to increased support for Open Parliament, where lawmakers work alongside civil society to commit to improvements in transparency, participation, accountability and ethical standards. Thus far, over a dozen countries have developed Open Parliament Plans. These have produced more inclusive and responsive forms of lawmaking and, as a result, they have brought citizens and legislators closer together.

Parliaments can also engage with the executive branch to influence the wider open government process. They can ratify legislation that is necessary for reforms, oversee implementation, or contribute to the design of new executive led commitments. Sierra Leone and Chile are examples of countries whose legislatures have met with their governments to track and support progress on openness reforms. So whether through cross-branch engagement of this kind, or by pursuing open parliament or a combination of both, more and more legislatures are coming onboard for open governance.

1.1 About this tool

The purpose of this tool is to pull together early lessons from a project being undertaken by the Open Parliament e-Network (OPeN) with support from the Multi Donor Trust Fund (MDTF) of the Open Government Partnership (OGP). This is aimed at advancing parliamentary engagement in open government in Mexico, Tunisia and Kyrgyzstan, and is being supplemented with case-study research of parliamentary openness in these and seven other countries across Latin America, Africa and Asia. An important goal has been to shed light on several of the unknowns surrounding parliaments and open government, such as:

- How can legislators and other parliamentary actors be effectively engaged to play an active role in Open Parliament (including in times of crisis)?

- How can barriers to Open Parliament, such as lost momentum during transitions, be overcome to achieve less interrupted, sustained progress?

- What is the best way to stimulate collaboration between the government and parliament and as well with CSO stakeholders?

- Who within the Executive branch should be engaged when parliaments wish to become involved in the broader open government agenda?

- Through which channels or mechanisms should the stakeholders collaborate, while respecting the separation of powers?

This tool will be of use to anyone with an interest in deepening the role of parliaments in open government. This includes parliamentary members and staff as well as civil society representatives, academics, journalists and other interested parties. Since the tool identifies parliamentary practices that have sought to uphold transparency and participation during Covid-19, it may also be helpful for legislatures seeking to modernize and innovate in order to improve their engagement with citizens.

1.2 Parliamentary openness: options and key principles

Broadly, parliaments can contribute to open government in two ways. They can advance legislative openness, i.e. open parliament. Under this, one of the mechanisms available to parliaments is to produce their own open parliament plans through co-creation with civil society. If the country is participating in the OGP, these plans can be incorporated as a chapter of the OGP Action Plan (AP); and/ or parliaments can adopt one or more individual commitments that are directly included in the AP. Parliaments in countries that are not participating in OGP can also develop open parliament plans. In that case, they are advised to follow the same steps and standards as established by OGP.

The OGP is a multilateral initiative created to secure concrete commitments from governments to advance open government, empower citizens, fight corruption, and harness new technologies to strengthen governance.

When the OGP was founded in 2011, the executive power was the only branch of government expected to engage in it. However, parliaments in particular have since emerged as important allies to the Partnership. Several legislatures have aligned with the OGP agenda in recent years, mostly by collaborating with civil society organizations to co-create open parliament commitments and plans.

Parliaments can also look to influence openness reforms that are being advanced by governments. This may or may not tie in with the commitments of their open parliament plan, should they have one. Some plans, such as Georgia's for example, reveal a strong intention to engage with the executive branch on open government.

PARLIAMENTS CAN CONTRIBUTE

TO THIS BROADER AGENDA
in several ways, such as by:

1 Reviewing and ratifying relevant legislation, and securing input from citizens.

2 Lending political support to open government initiatives.

3 Improving implementation through parliamentary action and by publicly holding governments to account.

4 Promoting sustainable open government reforms by building political traction across party lines and electoral cycles.

5 Embracing open parliament reforms to cement and drive appetite for open government.

6 Contributing where possible to the choice and design of open government commitments and ensuring these are 'state commitments' and do not simply reflect the interests of the government of the day.

Open parliament takes many forms. At its core, it is about narrowing the gap between legislatures and citizens. This is done by creating opportunities for the public to learn about, actively contribute to, influence and be able to track the work and practices of parliaments. Open parliament can challenge lawmakers to consider reforms that speak directly to the public, reinforcing the trust relationship with citizens. Similarly, it can lead to improved public policies such as in health and education, as new laws and the overall "political delivery" line up with public demands. Open parliament, much like open government, relies critically on collaboration and co-creation with civil society.

Open parliament commitments, which must be co-created between parliaments and civil society, tend to correspond to one or more of the pillars listed on the right. Typically, commitments may relate to the following:

- Improving public access to information about the work and practices of parliament. This could concern budgeting and expenses to account for the use for public funds, or more law-oriented data such as records of committee meetings and proceedings, voting outcomes, updates on bills, etc.

- Creating mechanisms to allow for public oversight of the legislature

- Establishing channels of public engagement and ensuring inclusive and sustained participation

- Embedding open practices and cultures within the parliament and among legislators, such as through the adoption of ethical standards or new protocols or guidelines on transparency

CORE PILLARS OF PARLIAMENTARY OPENNESS

CITIZEN PARTICIPATION

Active involvement of citizens in public decision-making processes that may impact their lives.

TRANSPARENCY AND ACCESS TO INFORMATION

Citizens' right to information that is of public interest through mechanisms for the disclosure of reliable information and compliance with requests for such information.

ACCOUNTABILITY

Ability of the public to hold the government, including parliament, to account for its policy and service delivery performance.

ETHICS AND PROBITY

Norms of highest integrity that individuals should adhere to as public servants.

The following table gives some examples of open parliament commitments corresponding to the four mentioned pillars[01].

Pillar	Commitment	Country	Implementing agencies
Citizen Participation	To undertake a comprehensive citizen consultation process and participatory review of Parliamentary Openness	- Sri Lanka - commitment 1, 2019-2021	*Open Parliament Caucus*
	To design and implement a cell phone app that lets citizens know about plenary proceedings and how senators vote, and allows them to participate by voting on topics under discussion.	- Colombia - commitment 3, Senate plan 2016-2017	*Senate Presidency, General Secretariat, Planning and Systems Division*
Accountability	To establish a system of preparing annual reports on parliamentary activities to raise public awareness and engagement.	- Georgia - commitment 3.2, 2017	*Permanent Parliamentary Council on Open Governance*
Transparency	To make 800,000+ documents accessible in open data; hold a collaborative event open to the public, and develop innovative solutions to strengthen parliamentary work and debates.	- France - commitment 3, Assembly plan 2018-2020	*Bureau of the Assembly*
	To enhance transparency in the legislative process in Parliament and County Assemblies	- Kenya - commitment 3, 2016-2018	*Parliament Service Commission, Department of Justice, Legislative & Intergovernmental Liaison Office (LILO)*
Ethics	To implement good practices on ethics and legislative transparency, including via the adoption of a Code of Ethics underpinned by new regulations in the Senate.	- Paraguay - commitment 5, 2016-2018	*Senate Open Parliament Committee, Ethics and Transparency Committee of the Chamber of Deputies*

01| More examples available at ParlAmericas Open Parliament Commitment Tool

COMMITMENTS ON OPEN PARLIAMENT FALL INTO TWO BROAD CATEGORIES.

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1· Improving internal working practices or cultures

A - For example, Commitment 1 of Costa Rica's 2016-2017 open parliament plan, which seeks for its national legislative assembly to continue 'appropriating open parliament concepts'. This objective is intended to give continuity to knowledge building actions on open state, open parliament, and their principles, expanding their reach to advisers and parliamentarians, and strengthening the work done with legislative officials during the first action plan.

B - Commitment 5 of Indonesia's 2018-2020 plan, to establish the Open Parliament Indonesia Institution, which shall include Members of the Indonesian House, as well as representatives from the Secretariat General of the House and civil societies. This will ensure the implementation of action plans and provision of budget and supporting resources while also promoting public participation to improve the parliament's public accountability.

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2 · Outward-oriented commitments geared to citizens

A - Commitment 4 of Chile's 2017-2018 plan, which led to the design of Congreso Virtual as a platform for citizen participation in the legislative process. These update citizens on different bills, allow people to express their views in support or against the bills and send their proposals and observations.

B - Commitment 8.4 of Kyrgyz Republic's 2019-2020 plan, to simplify procedures of access to the building of the Jogorku Kenesh for citizens, and organizing tours of the parliamentary building. The aim is to provide clear information to citizens and improve the parliament's work through stronger interactions with citizens.

Open parliament plans or commitments can often be traced back to legislators' earlier involvement in government led OGP initiatives. This was the case in Chile. That country's first OGP AP (2012-2013) included a commitment from the executive to introduce a bill to Congress on lobbying[02]. The government presented the bill, which the legislature passed thanks to strong cross-party leadership and consensus, and which led to Chile's Lobbying Act. The executive followed this up with further lobbying-related commitments in its next AP. By then the parliament, closely involved in the process, chose to set out commitments of its own which were captured in Chile's first Open Parliament Plan (2014-2016)[03].

Tunisia shows a similar pattern. Its first AP had included commitments around access to information. The government faced challenges in implementing those commitments, so for its next action plan it turned to the legislature for support, pledging to present it with a bill to modify the legal framework, which was seen as necessary to break the deadlock. The Assembly passed the bill. However just as in Chile, parliamentarians involved in the process had begun buying into transparency prompting a build-up of interest in openness reforms. Earlier this year the Assembly announced it intends to adopt an open parliament plan.

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02|https://www.opengovpartnership.org/es/members/chile/commitments/CL0015/
03|http://www.parlamericas.org/ewwd/open-commitment-report/docs/chile-2014-2016.pdf

1.3 Examples of Open Parliament Plans

Because of variations between countries in terms of political systems, institutions, resources and contexts, not all open parliament initiatives look the same. The duration of commitments or plans can be annual or biennial. Some parliaments stop short of creating plans and adopt fewer or even just a single commitment (such as Kenya's legislature for the period 2016-2018).

If the country is participating in OGP, how these commitments or plans are submitted also changes. They can be either stand-alone commitments within the AP (Argentina, Brazil, Costa Rica, and Sierra Leone) or form a separate 'Parliament Chapter' in the AP (Indonesia, North Macedonia and Paraguay). In the case of bicameral parliamentary systems, it may be that just one chamber adopts a plan, or that both produce separate plans (e.g. French Assembly: 2015-2017 and French Senate plan 2016-2017).

Where open parliament plans or commitments are included in a country's AP, they will be subject to evaluation by the OGP Independent Review Mechanism. This benefits parliaments through a rigorous impartial evaluation of the implementation of the commitments, including recommendations on dealing with identified constraints and opportunities. Additional benefits of incorporating commitments in the OGP AP include:

- Greater legitimacy from voluntary exposure to outside assessment.
- Raised national and international profile of the parliament's transparency agenda.
- Improved access to resources to support implementation, notably via the OGP Support Unit.
- Better opportunities to collaborate with the Government over wider openness reforms.

Parliaments in countries that do not participate in OGP can develop their own open parliament plans. While these will not be evaluated by the OGP IRM, legislatures are encouraged to follow the same steps and standards established by OGP, particularly in terms of co-creation, monitoring and evaluation.

The following table shows examples of open parliament plans in different countries[04]

Country	OPPs	Included in AP?	Duration	Unicameral / Bicameral / Single-chamber Plan
Chile	**2019-2020; 2017-2018**	☑	Biennial	*Bicameral Plan*
	2014-2016	☒		
Colombia	**Chamber of Representatives:** 2016-2017, 2017-2018; 2019-2020; **Senate:** 2016-2017, 2017-2018, 2018-2019	☒	Annual	*Single-chamber Plans*
Costa Rica	**2016-2017; 2015-2016**	☒	Annual	*Unicameral*
France	**Assembly plans:** 2018-2020; 2015-2017 **Senate plans:** 2016-2017	☒	Biennal	*Single-chamber Plans*
Georgia	**2018-2019**	☑	Annual	*Unicameral*
	2017; 2015-2016	☒		
Guatemala	**2016-2017**	☒	Annual	*Unicameral*
Greece	**2014-2016**	☑	Biennial	*Unicameral*
Indonesia	**2018-2020**	☑	Biennal	*Single-chamber*
Kosovo*	**2016-2020**	☒	4-Year Plan	*Unicameral*
Kyrgyzs Republic	**2019-2020**	☑	Annual	*Unicameral*
Morocco	**2018-2020**	☑	Biennal	*Single-chamber*
North Macedonia	**2018-2020**	☑	Biennal	*Unicameral*
Paraguay	**2018-2020**	☑	Biennal	*Bicameral Plans*
	2016-2018	☒		
Sri Lanka	**2019-2021**	☒	Biennal	*Unicameral*
Ukraine	**2016-2017**	☒	Biennal	*Unicameral*

* Kosovo is not an OGP country

1.4 Open Parliament and Sustainable Development

Recent years have seen some countries apply a sustainable development lens to their open parliament commitments consistent with the 2030 Agenda[05] and national development plans[06]. In particular, the Sustainable Development Goals (SDGs) have been used in an open parliament context to guide reforms to bring about transformative change across a number of themes[07]. The types of activity committed to generally fall into the following domains[08]:

- Lawmaking to help reach the SDGs.
- Budgeting for implementation to deliver the SDGs.
- Oversight of how the executive is implementing the SDGs.
- Civil society-oriented support for the SDGs.

Examples of OGP members that are leveraging their action plans to support the delivery of sustainable development goals include:

· NORTH MACEDONIA
Its 2018-2020 open parliament plan expressly connects each of its commitments with SDG 16.6 (develop effective, accountable and transparent institutions at all levels).

· INDONESIA
Commitments 2 and 3 of Indonesia's 2018-2020 plan promote parliamentary ICT and access to information, in line with SDGs 17 and 16.

· GEORGIA
Commitment 1 of Georgia's 2018-2019 plan increases Parliamentary involvement in the implementation and monitoring of the SDGs through civil society engagement and based on openness and transparency principles.

For its 2018-2020 plan, Paraguay's Congress included a commitment to monitor the Congress´ contributions towards achieving the SDGs. A dedicated website Congreso2030py has been created providing updated development related legislative information filterable by individual parliamentarians, parties and SDGs among other criteria. **The system integrates data from an existing legislative information system in an accessible way and presents user friendly statistics and descriptions of individual bills relating to the SDGs.** This platform is an open code development by CIECODE/Political Watch (a Spanish think-tank) that could be adapted and scaled to other countries.

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04 | Please note, this is not an exhaustive list of Open Parliament Plans adopted worldwide.
This is not limited to OGP approved and/or IRM reviewed commitments/ plans.
05 | https://www.opengovpartnership.org/stories/implementing-sdg16-through-the-open-government-partnership/
06 | Examples of countries that have built national sustainable development strategies into their open parliament commitments include:
a. long term strategies, such as the Kyrgyz Republic's National Strategy for Sustainable Development 2018–2040, which is explicitly referenced in the Open Parliament Plan.
b. short term government strategies, as is the case with Sierra Leone's Medium-term National Development Plan 2019-2023.
c. sector-specific programs, such as North Macedonia's Open Data Strategy Action Plan and its articulation with OGP action plans.
07 | Dedicated resources include https://sustainabledevelopment.un.org/partnership/?p=11107 and https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Parliamentary%20Development/parliaments%20role%20in%20implementing%20the%20SDGs.pdf
08 | http://www.partners-for-review.de/wp-content/uploads/2018/12/Engaging-parliaments-on-the-2030-Agenda-and-the-SDGs.pdf

COVID-19
Adaptations and recommendations

Especially in periods of crisis such as Covid-19, which can serve as a shield for corruption and other power abuses, ensuring parliaments are able to hold governments to account is paramount. Whether they command the legitimacy to scrutinize and call out the government will depend on if the public sees the legislature as transparent, participatory and accountable. It is obviously very challenging to advance open parliament in the middle of a global pandemic. But, as has become clear, legislatures can be stimulated under such circumstances to turn to and fastrack innovative new engagement channels when the normal ones no longer work.

That being said, as parliaments transition to a virtual working environment there is a risk that previously applied openness practices get left behind or fall through the cracks. To gauge these particular risks and opportunities associated with parliaments and Covid-19, Partners undertook a review of the adaptations made by various legislatures and their deficits in the early phase of the pandemic in terms of safeguarding transparency, access to information and public participation. The review gave rise to the following recommendations[09] on how parliaments should innovate in this regard, regardless of circumstance.

09| Extracted from the joint publication of ParlAmericas and Directorio Legislativo: COVID-19: The challenge of adapting and strengthening the role of parliaments, April 2020
See also https://www.ipu.org/country-compilation-parliamentary-responses-pandemic and Westminster Foundation for Democracy's Pandemic Democracy Tracker https://tracker.wfd.org/

TRANSPARENCY AND ACCESS TO INFORMATION

1 Publication of any changes to the parliament's way of working on its website and other official communication channels (TV, radio, Facebook, Twitter, Youtube, etc.), including any changes to the work of offices responsible for providing services to the public, and dissemination of this information though the media and social network.
(e.g. the Chamber of Deputies of Mexico has sought to keep citizens informed in this way).

2 Publication of agenda, attendance, votes, bills and other documents discussed in plenary and committee sessions on the parliament's website, where possible in an open format *(e.g. National Assembly of Ecuador).*

3 Live streaming and publication of recordings of plenary and committee sessions, whether taking place in person or online, through the parliament's various channels such as television, radio, social networks, app, etc. *(e.g. National Assembly of Namibia and Assembly of the Representatives of the People of Tunisia).*

4 Communication of news and updates regarding parliamentary work and sessions through social networks *(e.g. Chamber of Deputies of Argentina).*

5 Receipt and answer of access to information requests processed online *(e.g. Chamber of Representatives of Colombia).*

ACCOUNTABILITY

1 Publication of parliamentary expenses and any new regulations in place regarding the procurement process, particularly new expenses resulting from the crisis that were not provided for in the parliament's budget and any budgetary re-allocations that took place as a result of the crisis *(e.g. Chamber of Representatives of Colombia).*

2 Publication of the guidelines issued to parliamentary staff regarding their work situation *(e.g. Chamber of Deputies of Chile).*

3 Communication by parliamentarians to constituents on their work in parliament (if sessions still occur) and the work they are doing in their respective circumscription.

4 Hold meetings with the Ministers of Public Health, Emergency Task Force members and/ or other government officials to monitor updates about Covid-19 cases and scrutinize actions to overcome the crisis. *(e.g. House of People of Afghanistan and Parliament of South Africa).*

PUBLIC PARTICIPATION

1 Availability of services offered by citizen participation offices by phone, WhatsApp, social media, online forms or email *(e.g. Chamber of Deputies of Mexico).*

2 Secure mechanisms for citizens to report wrongdoing.

3 Mechanisms allowing citizens to virtually comment or provide votes of opinion on matters debated in parliament, where time permits *(e.g. Federal Senate of Brazil).*

ETHICS AND PROBITY

1 Registration of interaction between groups of interests and parliamentarians, whether in person or virtually, in a lobbying registry.

2 Application of rules and practices to prevent and bring attention to conflicts of interests.

3 Work of the parliamentary committee or independant office on ethics to enforce the parliamentary code of conduct.

4 Verification of information shared by parliamentarians and public officials in relation to the crisis and dissemination of public sources of accurate information to counter disinformation on social networks *(e.g. Chamber of Deputies of Brazil).*

DISCUSSION
Early lessons from country experiences

The project is seeking to support and draw lessons from the experiences of parliaments working in diverse countries to advance open government. It has three main aims.

- Empower parliamentary and civil society actors to co-create ambitious commitments.

- Support parliaments directly involved in the initiative to advance their own as well as wider government openness reforms.

- Codify crucial new learning that can inform and guide future interventions in other countries/ regions.

While Covid-19 has greatly disrupted the project, stakeholder engagement before and during the pandemic together with mappings and the discussed supplementary case-studies, have generated useful learning. In this section we discuss some of the core challenges experienced, followed by a description of possible solutions and mitigations, ending with a summary box of key recommendations. It is important to remember that countries display varying levels of experience, ability and resources to engage in open government, so the recommendations may not apply equally to all.

3.1 Main challenges

Turnover of legislators stifling momentum

All but few of the parliaments that have been looked at have in place permanent structures or staffers to retain expertise and direction during periods of transition or changes in leadership. In some cases, departures of key champion legislators means it falls to civil society organizations to step in and rebuild understanding and commitment. The legislative elections in Tunisia in 2019 saw 80% of the country's parliamentarians replaced, among them several who had been involved in legislating around previous APs. This could be considered a solution and listed in the other section.

Frequent coming and goings, especially in senior positions, can also make it more tempting for parliaments to opt for shorter-term initiatives or plans. Colombia and Paraguay elect new presidents to both their chambers every year: each of these countries has adopted annual single-chamber plans[10]. In countries with a bicameral legislature, two-year bicameral plans provide a timeframe to achieve more challenging and transformative commitments, while the collaboration between both chambers helps to ensure consistency across all parliamentary processes which can be helpful to facilitating its interaction with the public. Similarly, efforts by parliaments and governments to collaborate on reforms may be derailed by the departure of legislators, or may not happen due to this risk.

Short and intense parliamentary sessions with little room for openness

Some parliamentary sessions are so compact and compressed there is little space on the agenda for issues not considered of high priority. That means there is also limited time and scope to develop the necessary political will and structures to give impetus to institutional strengthening issues.

Parliamentarians reluctant to engage with the Executive

Some parliamentarians have expressed concerns or a reluctance to engage in OGP given its executive-led nature. This is common even in the cases where the executive and legislative branches are controlled by the same political party, as it is at least partly a question of retaining the independence of each branch. This is also due to the different nature of work of the legislative branch, which would not only require a consensus between the government, the responsible ministry and civil society, but a consensus that cuts across the political spectrum for its adoption and to ensure its sustainability.

Such commitments in the legislative branch pose more of a risk, as the legislators leading the process have less control over the results given that they need to work in collaboration with those from other political parties to achieve them. This can also lead to some reluctance from the executive to engage with the legislative branch in this process. As the Point of Contact (PoC) for OGP lies with the executive, they are tasked with achieving all the commitments in their AP but have limited control over commitments that would be adopted in the parliament.

Another cause of legislators´ reluctance may have to do with wider agendas on transparency and accountability. In some cases, the ruling party has a strong hold over the legislature, possibly even a majority, which can undermine the systems of checks and balances, lessen incentives for strengthening accountability mechanisms, and weaken oversight functions.

A point of entry for parliaments looking to engage in the wider open government process is the OGP Multi-Stakeholder Forum (MSF). The MSF is created as part of the government led OGP process and is made up of executive branch actors and CSOs.

Challenges have arisen in relation to parliaments engaging in the MSF. One of them are the discussed concerns over separation of powers. Another obstacle is that, since parliamentary involvement in the MSF should seek to be representative, the participation of just one parliamentarian from a single party is unlikely to be enough. Instead multiple legislators would be needed on the forums to ensure some if not complete balance.

A third barrier is that there may be a conflict where parliaments, through the MSF, end up contributing to the design of government-led commitments whose implementation they also wish to impartially oversee. And finally, it has been pointed out that for parliamentarians who, especially under the Westminster system, are accustomed to dealing with government at the ministerial level, their

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10| Implications of this rotation are explicitly addressed in the case studies on Colombia and Mexico.

participation on the MSF with other members of the executive bureaucracy may not align with parliamentary tradition. This raises the question of who from parliament should sit on the MSF and what their role ought to be in that context.

Lack of coordination over AP related bills

Where the implementation of AP commitments relies on parliaments ratifying legislation, this is not always being presented or understood to be in the context of the government's OGP reforms. This reflects a more general lack of awareness among parliaments about governments' international openness commitments. As a result, support from parliamentarians and committees may be delayed or insufficient for ratification to occur. Partners have witnessed some albeit isolated attempts to mitigate this such as by inviting executive actors to committee meetings, hearings and debates, where they can offer explanations and make the case for parliamentary backing.

Lack of institutional understanding of what open parliament means and requires

A common understanding of concepts and requirements is key to set the stage for constructive dialogue in parliament and with civil society. However, insufficient awareness and understanding have been cited as a hindrance by some parliamentary actors. This includes a lack appreciation of how engaging in open government can tie in with the legislative agenda and with public interests. Meanwhile, in more practical terms, and to be expected where parliaments have little experience of the issue, there is often a shortage of know-how for developing, implementing, monitoring and evaluating open parliament commitments or plans. Poor awareness and understanding can undermine the process in various ways. Notably it can lead to misunderstandings over what open parliament constitutes, limiting its scope to only transparency or public consultations, for example.

3.2 Solutions and mitigations

Generating and sustaining interest, political will and leadership for Open Parliament

Developing and maintaining political support for openness reform is essential. A first step to this could be to create an *informal cross-party network of reform-minded parliamentarians.* Knowledge building and awareness raising activities targeted at parliamentarians could lay the foundation for this, including, for instance, by featuring open parliament champions from other countries to share their experiences and raise profile. OPeN Partners have frequently run such events and harnessed international champions to good effect. As an example, this year OPeN delivered a high-profile webinar on parliamentary openness to Mexican senators and senate staff. It was attended by the senate president, heads of several senate departments, representatives of key public bodies, and international speakers from Paraguay and Chile. The webinar was overwhelmingly positively

evaluated, with over 95% of those taking part agreeing it had been very useful in generating knowledge and preparedness.

Activities that develop interest and knowledge can pave the way for, as well as help sustain, the cross-party networking of legislators that is needed to underpin support for open parliament. Making sure this shared knowledge and base of support exist or can be cultivated should be a priority for parliaments embarking on openness initiatives or reforms for the first time. OPeN Partners have produced a number of resources aimed at improving understanding of legislative openness, including ParlAmerica's Roadmap to Open Parliament.

A variety of international events and exchanges have also been cited as influential in generating interest among legislators. The most mentioned are the global OGP summits along with bilateral exchanges, webinars, consultations and several other joint collaborations. The Georgian parliament, for example, has put much of its early progress down to lessons gleaned from Chile's experience. While Georgia has itself successfully shared its

achievements and learning with other countries, including Sierra Leone and Kyrgyzstan. OPeN Partners have coordinated a range of initiatives intended to share lessons and build interest, which recently include:

- **Advancing parliamentary openness through the promotion of OGP (Bishkek, 2018)[11]**
- **III Open Parliament Forum[12] (Buenos Aires, 2019)**
- **Sierra Leone delegation visit to Georgia[13] (Tbilisi, 2019)**
- **Open Parliament Guide co-creation meeting[14] (Santiago de Chile, 2019)**

One tactic that can be used to make open parliament more appealing, or in cases where it is not seen as relevant or to chime with public concerns, is to package it around particular themes of interest, and then try to attract the different stakeholders invested in those agendas. One option, as discussed, is to do this in relation to countries' sustainable development objectives. Another could be gender equality, whether specifically in terms of one or more gender committments or with a view to cross-cut women and girls' perspectives. Sierra Leone's Open Parliament commitment[15] (2019-2021) includes provisions to develop a Gender and Equity Compliance Checklist and to assess budgeting allocation and approval based on gender and equity compliance.

Finally, it is worth remembering that while building political will should be continual throughout the open parliament process, some junctures may be better or less suited than others for certain strategies. Parliamentarians may be greatly distracted during election periods, but at the same time, there may be value in working with political parties to ensure parliamentary openness becomes included in their electoral platforms.

Once multi-partisan backing for open parliament has been developed, a *parliamentary body* can be established in order to institutionalize and give more structure to the process, offer leadership, and ensure continuity. Such a body can be created under various levels of formality. It can be an existing or new standing parliamentary committee, a special ad-hoc committee, a multi-party group or caucus, or the process can be led by the board of directors or president of the parliament[16].

For example, Chile has created a bicameral group comprising deputies and senators who jointly manage a single biennial plan covering both chambers. The committee frequently hosts other lawmakers to build interest and support, while at the same time developing consensus needed to advance the agreed commitments. The National Assembly of Costa Rica has also adopted an *open parliament policy* which mandates the creation of an Open Parliament Committee composed of deputies from different political parties and including representation from civil society (elected through a pre-established mechanism) to guide the development of future open parliament plans.

It is recommended that this parliamentary body be permanent and that it be composed of parliamentarians from different parties together with, ideally, representatives of civil society organizations. It should be formalized, potentially akin to how the functions of Georgia's *Permanent Parliamentary Council on Open Governance* have been written into the parliamentary rules of procedure. Note that in Georgia, a previously created *Inter-Factional Working Group*, which links pro-openness legislators to each other and civil society, proved fundamental to laying the ground for the more formal Parliamentary Council, as well, for that matter, to preventing open parliament from becoming a partisan issue, instead turning it into an agenda backed by the whole legislature.

It is advisable that an individual be appointed to serve as an *open parliament 'focal point'.* To ensure continuity, this role should be assigned to a non-partisan senior parliamentary official. The parliamentary focal point would support the work of the parliamentary body described above. This person's responsibilities would include:

11| https://drive.google.com/file/d/1farS_Vs6e-YJ9g4loRpxN7syRDlo2Zgy/view

12| https://drive.google.com/file/d/1tRE1ckVqo8qV7VIbqnkUSnUoyOlfg2zx/view

13| https://idfi.ge/en/idfi_hosted_the_delegation_from_sierra_leone

14| http://parlamericas.org/uploads/documents/OPN2018_Chile_Cocreation_SPA.pdf

15| https://www.opengovpartnership.org/members/sierra-leone/commitments/SL0028/

16| More in depth information on how to develop Open Parliament commitments and Plans, including key considerations regarding parliamentary bodies and process, available at http://www.parlamericas.org/uploads/documents/Exec%20Summary_ENG_May2019-online.pdf

- Serving as an internal champion for parliamentary openness reform efforts.

- Supporting dialogue between parliament and civil society.

- Coordinating the implementation of legislative openness commitments adopted in the Open Parliament Action Plan.

- Reporting on progress of the Open Parliament Action Plan.

- Supporting communications around the Open Parliament Plan.

- Liaising with the Open Parliament e-Network and requesting support when required, and networking with Open Parliament focal points from other countries.

Paraguay and Chile are among countries that have appointed staffers as open parliament focal points. Their role has been acknowledged as hugely effective in both cases. In Chile, it has enabled the parliament to leverage the MSF to contribute to the development of the government's AP. Paraguay's open parliament focal point is a member of the executive committee of the MSF alongside representatives from the executive, judiciary and civil society. Other countries whose legislatures convene their governments through the MSF to discuss openness reforms include Sierra Leone, Cape Verde, Kenya and Afghanistan. On a cautionary note, however, care should be taken to avoid relying too heavily on unelected officials in the process, especially where there is yet to be established a real backbone of support for open parliament among legislators. There have been instances where the production of open parliament plans has owed more to the initiative of staffers than to legislators, which has led to challenges in implementation.

Innovate in engaging civil society

Particularly during the implementation phase, parliaments can struggle to ensure sustained and broad civil society engagement. Chile's parliament successfully overcame this in implementing its commitment on a Citizen Participation Regulation; proactive outreach ensured that over 100 CSOs became actively involved in delivering the commitment (i.e. the development of the regulation).

Another option may be to position CSOs

as 'alternative reporters' of progress on AP implementation. Partners are currently doing this in the Kyrgyz Republic. Vesting CSOs with oversight duties is useful where open parliament/government occurs outside of the OGP (and so beyond the IRM), or in cases where open parliament commitments are added to the AP as amendments and so are not subject to IRM oversight. It also lends valuable protagonism to civil society, develops capacity and skills and, not least, affords the parliament access to an independent and publicly credible evaluation of its progress.

Working with other non-state allies such as universities may facilitate progress on open parliament. For instance, the Senate of Mexico has collaborated with the National Autonomous University of Mexico for this purpose. Engaging academia is a potentially useful approach to drawing additional resources and technical knowledge to parliament.

In broader terms, in order to ensure high quality participation from stakeholder groups throughout, it is recommended that parliaments develop a strategy to engage civil society. This would provide civil society with an open, fair and transparent mechanism for involvement throughout the action plan cycle and beyond. The mechanism can take various levels of formality, ranging from the establishment of a Parliamentary Multi-Stakeholder Forum, Group or Committee to an open call for participation at all meetings. Successful open parliament action plans focus on significant national priorities and ambitious reforms; are relevant to the values of transparency, accountability, public participation and ethics; and contain specific, time-bound and measurable commitments. OPeN partners have acquired a wealth of learning in this regard, captured in the following guidance materials.

Pursue multiple channels to engage governments

Having in place a permanent parliamentary body to lead on the openness agenda can make it easier to engage relevant executive branch actors, notably the OGP PoC. It can also facilitate contact with the OGP Support Unit, who via the PoC or other government figures could help set in train joint working between the parliament and executive. It is recommended for parliaments to communicate with the OGP Support Unit and OGP PoC at the earliest opportunity. This would ensure the PoC becomes aware of the parliament's intentions to work towards commitments and/or a plan and is ready to incorporate them in the AP.

In section 3.1, we outlined some of the risks surrounding the engagement of parliaments in the Multi-Stakeholder Forums. Here we quickly revisit those obstacles and suggest solutions.

RISK: parliaments end up being both judge and party to the wider commitments, by helping to design them on the one hand and seeking to review them, supposedly impartially, on the other.

SOLUTION: this could be mitigated by making sure the two lines of engagement are kept separate. For instance, while one or more parliamentarians could participate in the MSF to influence the government led commitments, the task of overseeing progress on their implementation could be handled by a discrete parliamentary committee, decoupled from the parliamentarians participating in the MSF.

RISK: legislators choose not to engage with the MSF because parliamentary tradition does not align with parliamentarians participating in working groups with executive branch officials.

SOLUTION: a mid-way approach could work here, where one or more parliamentarians are assigned to the MSF but participate only in its higher-level discussions, perhaps once or twice a year, with the remainder of the meetings attended by a parliamentary official. Alternatively, where legislators are still disinclined to take part, the open parliament focal point could engage with the MSF instead, as has worked effectively in Paraguay.

RISK: concerns over the separation of powers.

SOLUTION: an alternative to direct parliamentary engagement in the MSF may be to engage the CSO members of the forum instead. In other words, it may be possible - as has been the case so far in this OPeN-led project - to leverage one or more CSOs on the MSF as a bridge to link with the executive on the wider open government process, at least until such time that the parliament secures its own seat on the MSF. This has been achieved in the Kyrgyz Republic, for instance. There, by reaching out to the civil society co-chair of the MSF, it has been possible to arrange for members of the parliament to take part in the government's upcoming consultations with CSOs over its next AP. This leveraging of the government's co-creation obligations and activities can bring several benefits: more visibility to the parliament's openness agenda, stronger relationships with relevant CSOs, and direct contact with the PoC and other government players.

Parliaments can also ensure that the importance of engaging with the executive is reflected in their open parliament plans or commitments. Commitments can be designed to complement the APs, such as around the adoption of shared standards across the branches of government[17], or through other pledges that align with or reinforce those of the government, such as has occurred in Chile and Sri Lanka. One of the commitments adopted in Georgia's 2017 OPP was to "Strengthen the supervising function of the Parliament and improve coordination between different branches of the government within the framework of the Open Government Partnership"[18].

17| For example, the new OGP Regulatory Governance publication: https://www.opengovpartnership.org/documents/regulatory-governance-in-the-open-government-partnership/

18| http://www.parliament.ge/en/ajax/downloadFile/88361/Open_Parliament_Eng_Rev15_PRINT

3.2 Key recomendations

1. Generate interest and understanding of open parliament/government, such as through events, exchanges, meetings with MPs and staff, and the use of resources.

2. Establish a network of parliamentary champions, which can be a loose alliance of reform-minded cross-party lawmakers.

3. Build on this to establish a more formal, permanent parliamentary body, tasked and properly resourced to facilitate and lead the openness process. This should be composed of ruling party and opposition parliamentarians and supported by an 'open parliament focal point', ideally a senior parliamentary official.

4. Formulate a strategy to engage civil society. This should guarantee that civil society organizations contribute not only to the development of the open parliament action plan, but also to determining the process that will be applied to its development, monitoring and evaluation.

5. Establish, as early as possible, links to the OGP Support Unit (if working in the framework of OGP). Through its country-specific representatives, the OGP SU can offer expert advice and support across the various steps of the process.

6. Engage the OGP Point of Contact - whether to make her/him aware of and ready to incorporate the parliament's commitments/plan in the AP, or as a way to contribute to the wider open government process. In terms of the latter, parliaments should also seek to engage through the Multi-Stakeholder Forum. This can be done either (and preferably) by directly taking part in the MSF, or alternatively by harnessing its CSO members as bridges to connect with the executive-led process.

We promote and support
collaboration between
parliaments and civil
society to co-create
strategies and initiatives
to strengthen openness
and democratic processes.

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