

# FAQs

## Explaining OGP's New Legislative Engagement Policy

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### 1. National Action Plans and Legislative Openness Commitments

#### *How can parliaments develop and include commitments within the National Action Plan?*

The Open Government Partnership's new legislative engagement policy clarifies the role parliaments can play in the national Open Government Partnership (OGP) process and how parliamentary openness commitments can be included in your country's National Action Plan (NAP). To develop legislative openness commitments, parliaments must adhere to all OGP principles and guidelines, namely co-creation with civil society.<sup>1</sup> Parliaments have two options for including legislative openness commitments as part of the National Action Plan:

- Parliaments may include commitments directly in the "Commitments" section of the NAP.<sup>2</sup> In this case, parliamentary commitments would be integrated with executive branch and other commitments that make up the NAP. This has been done in several countries.<sup>3</sup>
- Parliaments may prepare a separate chapter of the National Action Plan that would be dedicated entirely to legislative openness commitments. This chapter, in conjunction with the executive branch commitments, would constitute the country's National Action Plan. Separate parliamentary openness plans will not be recognized as valid OGP plans.

In the past, many parliaments have elected to develop independent, standalone legislative openness plans.<sup>4</sup> Such plans are often developed in a manner consistent with OGP guidelines, though are not formally part of the country's NAP. The new policy is designed in part to simplify the process by which parliaments can contribute such commitments to the National Action Plan. It is strongly recommended that all legislatures develop formal commitments as part of the NAP, rather than in an independent plan. Separate parliamentary openness plans will not be recognized as valid OGP plans.

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<sup>1</sup> OGP's Participation and Co-creation Standards can be seen at the following link: <http://www.opengovpartnership.org/ogp-participation-and-cocreation-standards>.

<sup>2</sup> A template for National Action Plan commitments is available at the following link: <http://www.opengovpartnership.org/sites/default/files/Commitment-Template.docx>.

<sup>3</sup> For an example of this option, please see the Kenya's 2016-2018 National Action Plan: [http://www.opengovpartnership.org/sites/default/files/Kenya\\_AP2\\_2016\\_0.pdf](http://www.opengovpartnership.org/sites/default/files/Kenya_AP2_2016_0.pdf).

<sup>4</sup> For an example of an independent legislative openness plan that largely adheres to OGP guidance, the Open Parliament Georgia Action Plan can be seen here: [https://drive.google.com/file/d/0ByP1nXAlz\\_meWjlpUXZ3dGloVmM/view](https://drive.google.com/file/d/0ByP1nXAlz_meWjlpUXZ3dGloVmM/view).

### ***How are separate chapters attached to the National Action Plan?***

All National Action Plans will continue to be formally submitted to the Support Unit by the official OGP point of contact (POC). Parliaments wishing to add a separate chapter must coordinate with the POC through the designated “parliamentary lead” to ensure it is included in the final version of the NAP. The Support Unit and Legislative Openness Working Group will provide all assistance necessary to ensure this process runs smoothly.<sup>5</sup>

### ***Can parliaments submit commitments after the National Action Plan has been launched?***

All governments are able to add new commitments or change existing commitments through an amendment process. However, all changes need to be coordinated with the POC and registered on the OGP website to ensure transparency and accountability. Parliaments interested in this option should contact the national OGP point of contact to explore its feasibility.

### ***How else can parliaments contribute to the national OGP process?***

Apart from the development and implementation of legislative openness commitments, there are many other options for parliaments that are interested in supporting the national OGP process. For instance, parliaments can consider the following.

- Many national legislatures can support full implementation of commitments by passing or amending legislation, such as freedom of information laws, or allocating resources in the national budget to support implementation.
- Consistent with OGP’s [co-creation guidelines](#), legislatures can convene hearings, listening sessions, or other public events to receive feedback and suggestions from constituents. Such efforts would complement the public dialogue mechanisms managed by the executive branch, and would help ensure more diverse voices are considered in the development of the NAP.
- Legislatures may use all oversight tools at their disposal to monitor implementation of executive branch commitments in the National Action Plan, complementing OGP’s Independent Reporting Mechanism (IRM) process and providing wider exposure to IRM reports. Parliaments are also encouraged to continue inviting testimony of national IRM researchers at the annual launch of the OGP reports.

### ***How will be parliamentary commitments be reviewed?***

Part of the benefit of participating in OGP is the credibility and publicity that comes with a credible review process. In OGP, there are two annual reviews. Once annually, governments prepare a self-assessment report detailing progress made towards realizing NAP

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<sup>5</sup> In general, the Legislative Openness Working Group provides peer exchange and technical support to participating parliaments, while the Support Unit is responsible for supporting the OGP process in each country, which involves supporting the co-creation of the National Action Plan through government and civil society co-creation.

commitments. Parliaments will coordinate with the POC in the executive branch to complete of this report, where relevant.

Second, the Independent Reporting Mechanism (IRM) conducts an annual review of all commitments in the NAP, including parliamentary commitments. The IRM's review has a dual function. It helps to ensure credibility for implementation. Second, it fosters learning between countries, as information regarding the implementation of parliamentary commitments would be systematically gathered, analyzed, and published. While the Working Group has gathered this information informally, a formal IRM review will ensure that good practice is captured and shared.

Parliaments, governments, and civil society groups stand to benefit from a more systematic review of what has worked and what has not with regards to legislative openness commitments.

## **2. Parliamentary Leads and Coordination with Points of Contact**

### ***Are parliaments required to identify a parliamentary lead?***

Per the legislative engagement policy, parliaments are encouraged to identify a parliamentary lead, though are not required to do so. Parliamentary leads can help manage parliamentary engagement in OGP and can ensure consistent, open lines of communication with the official OGP point of contact, OGP Support Unit, and Legislative Openness Working Group.

### ***What role will the parliamentary lead play?***

All parliamentary leads are encouraged to coordinate and manage the institution's communications with the official OGP POC, the Legislative Openness Working Group, and the OGP Support Unit. In this role, the parliamentary lead would be responsible for:

- coordinating with the OGP POC on the incorporation of legislative openness commitments in the National Action Plan, the preparation of the self-assessment report, and other relevant issues related to the national OGP process;
- maintaining communications with the OGP Support Unit, which can coordinate support through the Legislative Openness Working Group including updates on changes to the parliament's leadership or to the parliamentary lead position;
- engaging with the Independent Reporting Mechanism to ensure accurate, timely review of all legislative openness commitments, including providing documentation of completion and facilitating appropriate interviews;
- participating in peer exchange and learning activities, such as OGP events and Working Group activities, and engaging with colleagues in other legislatures; and,
- helping to facilitate parliamentary dialogue with civil society groups on relevant issues.

Each parliament is encouraged to define the specific role that the parliamentary lead will play with regards to supporting parliamentary participation in OGP. In some cases, the parliamentary lead may be responsible for coordinating a broader working group of MPs and legislative staff that is responsible for setting priorities and directing the institution's

participation in OGP. In other cases, the parliamentary lead may be a senior technical advisor on openness issues, and will advise parliamentary leadership on potential commitments. Given differences in legislative systems and procedures, it is expected that the role each parliamentary lead plays will differ based on the particularities of the institution.

### ***Who is eligible to serve as a parliamentary lead?***

Parliaments are encouraged to determine which member or officer of the parliament is best positioned to successfully perform the functions of the parliamentary lead. The parliamentary lead could be a senior technical advisor on openness issues, the chief of staff or a senior advisor to the presiding officer, the clerk or other senior administrative officer, a member of the legislature with demonstrated dedication to these issues, or other. The Legislative Openness Working Group would gladly support parliaments in identifying a parliamentary lead.

### ***How will parliamentary leads be connected to one another?***

The Legislative Openness Working Group, coordinating with the OGP Support Unit, will make efforts to connect parliamentary leads to ensure that experience and good practice is being shared effectively. For instance, side meetings and informal networking opportunities will be arranged at OGP global summits, regional meetings, and Working Group meetings. In general, the Legislative Openness Working Group hopes to serve as a forum for parliamentary leads to engage and share experience. Contact information for all parliamentary leads will also be shared to promote communication and sharing of good practice.

## **3. Resources and Support to Parliaments**

### ***What role is played by the Legislative Openness Working Group?***

As in past years, the Legislative Openness Working Group will continue to support the development and implementation of legislative openness commitments by creating opportunities for peer exchange and learning and by providing technical assistance and support.<sup>6</sup> The Working Group, which is co-chaired by the Congress of Chile and the National Democratic Institute, and multilateral partner organizations, such as UNDP, will provide assistance to the Support Unit and Steering Committee to ensure that the legislative engagement policy is fully implemented.

### ***What resources are available to support parliaments interested in participating in OGP?***

The Working Group, Support Unit, and other organizations have prepared a number of resources designed to aid parliaments that are interested in pursuing the development of legislative openness commitments. Below, a collection of resources has been provided, though please note that this is by no means an exhaustive list. For more, please contact the Working Group co-chairs [here](#). Parliamentary leads should also coordinate with the OGP POC to ensure consistency with OGP values and principles.

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<sup>6</sup> For more information on the Working Group and its activities, please see the group's webpage here: <http://www.opengovpartnership.org/groups/legislative>.

- [Declaration on Parliamentary Openness](#)
- [OpenGov Guide Parliament Chapter](#)
- [Toolkit for Advancing Legislative Openness](#)
- [Legislative Openness Data Explorer](#)
- [Common Ethical Principles for Members of Parliament](#)
- [OpeningParliament.org](#)
- [Global Legislative Openness Week](#)

## 4. Glossary of Terms

The [OGP Support Unit](#) is a small, permanent secretariat that works closely with the Steering Committee to advance the goals of the Open Government Partnership. The Support Unit is designed to maintain institutional memory, manage OGP’s external communications, ensure the continuity of organizational relationships with OGP’s partners, and support the broader membership. The Support Unit serves as a neutral, third-party between governments and civil society organizations, ensuring that OGP maintains the productive balance between the two constituencies.

The [OGP Steering Committee](#) is comprised of government and civil society representatives that together guide the ongoing development and direction of OGP, maintaining the highest standards for the initiative and ensuring its long-term sustainability.

The [Independent Reporting Mechanism](#) produces annual independent progress reports for each country participating in OGP. The progress reports assess governments on the development and implementation of OGP action plans and make technical recommendations for improvements. These reports, which are drafted by independent experts, are intended to stimulate dialogue and promote accountability between member governments and citizens. A [list of IRM experts](#) is publicly available.

An [OGP point of contact](#) is responsible for coordinating a participating government’s domestic and international OGP activities. This person is a working-level counterpart to a ministerial-level representative. For more information on the role of the POC, please see the [OGP POC Manual](#). A [list of POCs](#) is publicly available.

The [Legislative Openness Working Group](#) supports peer exchange and learning on legislative openness issues throughout the OGP community, and is co-anchored by the Congress of Chile and the National Democratic Institute. The Working Group provides participating parliaments and civil society groups with opportunities to engage with peers, offers technical assistance on the drafting and implementation of commitments, and develops resources to support legislative openness commitments.