



# Parliaments as Partners for Open Government Reform

Parliaments can be formidable champions of the principles and values of the Open Government Partnership (OGP) and pivotal partners in advancing the open government agenda. This note outlines where OGP has successfully partnered with parliaments to date and how such partnerships could be deepened to develop and implement more ambitious open government reforms. In view of the growing demand for parliamentary engagement across the Partnership, this note further serves as a conversation starter for partners and participating countries interested in taking this forward.

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# What's in it for the open government agenda?

Lasting and meaningful steps towards open government require the support and buy-in of parliaments. Open government is not a series of technocratic fixes or procedural touch-ups, but a fundamentally political endeavour that drives and demands changes in how we 'do government'. Since parliaments are key players on the political scene, they should be welcomed as indispensable partners for open government reform.

Concretely, parliaments can advance the open government agenda by:



# What's in it for parliaments?

There is a growing demand for more open, effective and independent parliaments within parliamentary institutions. OGP's Action Plans bring ambition and delivery on open government reforms and are a natural fit for those taking the open parliament agenda forward.

OGP is an extra tool in the toolbox for MPs - and the staff supporting them - who wish to:



**Better serve the people they represent** by investing in citizen engagement opportunities;



**Build trust** by making parliamentary work more open and accessible;



**Amplify their own voice and vote** by building partnerships across government and with civil society;



**Ensure accountability of parliamentary initiatives**, including Constituency Development Funds, by employing the open government approach;



**Join a global network of openness champions**, to build support for the open government agenda in their own institution;



**Strengthen their public profile** by carrying the torch of a growing social movement demanding openness, transparency and accountability.

Beyond that, OGP will be welcomed by parliamentary staff looking to safeguard the independence of parliament through greater transparency of its work and operations.

# Partnerships for parliamentary openness

Leading parliamentary development actors are increasingly integrating the openness agenda in their programming. This reflects direct demands from parliaments as well as a growing interest on the part of key donors. Additionally, more stringent public financial management criteria for Official Development Assistance (ODA) means that developing countries in particular have a financial stake in improving their transparency and accountability.

**OGP is uniquely positioned to help translate this growing demand for proven open government reforms into concerted efforts that will deliver scale, scope and sustainable results.** Strong partnerships have already been established, including with the World Bank, National Democratic Institute, United Nations Development Programme and regional organisations such as Directorio Legislativo. Several other organisations, including International IDEA and the Westminster Foundation for Democracy, have indicated their interest in partnering with OGP in this area.

Drawing on the technical assistance and support of these organisations will allow for effective upscaling of OGP's legislative engagement. The following sections illustrate the different avenues for engagement.



# Parliaments as Champions of OGP Values and Principles

OGP champions transparency, accountability and participation and expects its members to model the [Open Government Declaration](#). Parliaments, through their power to legislate and allocate resources, play a pivotal role in shaping and protecting the legal framework for sustainable open government reform in participating countries.

**I. Meeting the eligibility criteria:** Several countries have taken legislative action to [meet OGP's eligibility criteria](#), for example by passing freedom of information laws. As of 2017, aspiring members must also pass a 'values check' to ensure they protect civic space and civil liberties. Parliaments are indispensable in meeting and upholding these criteria. Beyond that, they can act as drivers of reform in their respective regions by encouraging their peers in non-OGP countries to uphold these principles.

**II. Preparing the ground for citizen engagement:** As law-making institutions, parliaments help create the conditions for open and accountable government. Freedom of information laws, public participation in decision-making, access to justice or lobbying disclosure acts are just some examples of legislation that fosters transparent and accountable governance. Beyond that, parliaments can model these principles by being deliberative, open and inclusive in their own work.

**III. Protecting civic space:** In most democracies, parliament has a constitutional mandate to represent the people and to protect fundamental democratic values such as human dignity, equality, and non-discrimination. Facilitating public involvement in political decision-making is a key function through which parliament fulfils this mandate. In a global political context increasingly marked by shrinking civic space, parliament's watchdog role is more critical than ever.



# Parliaments as Partners for Ambitious Action

Parliaments offer new windows of opportunity for more ambitious open government reforms. Tapping into the powers and privileges of parliamentary institutions will bring much-needed political muscle to the development and implementation of OGP commitments. Drawing on the personal ambitions and access of (senior) parliamentarians and parliamentary staff can further help deliver on the OGP plans and processes.

**I. Setting the agenda:** Members of Parliament can draw on their influence and relationships with members of government to set the agenda and advance open government reforms. Political dynamics differ across parliamentary systems and institutions, but MPs – particularly senior ones – will often know what levers to pull. It is also worth noting that many MPs hold sway in various corridors of power, even after leaving parliament – be it as minister, mayor, party executive or mentor to those just starting out. Investing in their engagement on open government will help cement a broader network of reformers.



## Chile's Lobbying Act

Chile's 2012 National Action Plan identified the Lobbying Act as key lever for transparency, accountability, and citizen engagement in public affairs. Although the law had many detractors within Congress, leading representatives from across the political spectrum helped build the consensus needed for its approval in Congress. Senator Larrain was a leading voice and helped dispel opposition to the Lobby Act by many of his party and coalition colleagues. Ramiro Mendoza, the former comptroller general, was also an active advocate, as was the Committee against Conflicts of Interest, Influence Peddling, and Corruption. Together, they spurred the adoption of Chile's Lobby Act in March 2014 – the first Latin American legislation on lobbying disclosure.

## II. Lending political weight to civic initiatives:

Joining forces with Members of Parliament on public campaigns and petitions benefits all sides. The formal support of MPs adds credibility and raises the profile of a civic initiative. In addition, MPs can facilitate dialogue between the petitioners and the executive. Conversely, being a face of a popular campaign gives visibility to the agenda of the parliamentarian and his or her party or group.



## Montenegro's Citizens Voice e-Petitions

Montenegro's platform enables citizens to submit e-petitions to the government. The "Citizens Voice – e-Petitions" website marks a significant step towards public participation in the policy-making process. Every adult citizen of Montenegro or foreigner with permanent residence can submit an e-petition; if supported by at least 6,000 signatures, the relevant ministry is required to turn such a petition into a formal motion. This motion is then considered by the government and, where needed, submitted to Parliament.

**III. Legislative initiatives:** MPs have the prerogative to propose their own bills (so-called "private member bills"). This means they need not wait for the executive, but are free to take legislative initiative themselves. Realistically, bills that do not enjoy government support will not pass. But even when a private member bill does not make it into law, initiating it will have placed the issue on the political agenda and stimulated public debate.

**IV. Knowledge and know-how of MPs:** Many MPs, especially senior ones who have served one or more terms on the same committee, have extensive expertise on specific policy issues. They understand the policy landscape and can offer invaluable insights as to what open government commitments are likely to get traction.

# Improving the Implementation of OGP Action Plans

Parliament's legislative and budgetary powers can help ensure that OGP commitments are sustainable and effectively implemented. A more formal role for parliaments in OGP would bring welcome support throughout the implementation process.

**I. Legislative action:** Legislative action is needed for the effective implementation of 23% of OGP commitments. The added value of parliaments as partners in OGP is clear: without them, progress on a substantial number of commitments is simply not possible.

## Lawmaking in Latin America

Since the launch of OGP in 2011, Latin America's parliaments have adopted 39 new laws on openness. Notably, 21 of these were parliamentary initiatives, a clear demonstration of parliament's power to advance open government. Several of these bills - including access to information laws in Argentina, Brazil, Colombia and Mexico, legislation on lobbying and conflicts of interest in Chile, and legislation on fiscal transparency in Uruguay - were taken up as OGP commitments, illustrating how OGP helps move the needle on critical reforms.



**II. Oversight of the executive:** Effective implementation of commitments by the executive will benefit from parliament's follow-up with the responsible ministry. Through their oversight tools (oral and written questions, committee hearings, ...) parliaments can track the progress of commitments and publicly hold government to account where needed. Parliaments can also set up dedicated committees to advance implementation of a specific initiative.

## Parliament of Ghana Poverty Reduction Monitoring

The Ghanaian Parliament has been strongly involved in the monitoring of the country's poverty reduction strategy and its impacts. A special Committee on Poverty Reduction was formed to report to Parliament on the content, focus and adequacy of the poverty reduction strategy. Through a Community Monitoring Program on Poverty Reduction, administered by the independent think-tank Institute for Policy Alternatives, MPs have been monitoring the attainment of poverty reduction results at constituency level. The Centre for Budget Advocacy has further worked with local assemblies and the national parliament to bring citizens' voices into the budget formulation process, both at district and national levels.

**III. Budgeting:** Balanced annual budgets – reviewed and adopted by parliament – are necessary to resource the sustainable implementation of OGP commitments. This is particularly relevant for public service commitments that typically demand a larger chunk of the budget and require sustained funding over longer periods. Forthcoming analysis from the IRM (Falla, 2017) finds that mainstreaming OGP activities into national budgets and planning documents helps maintain political and financial continuity in the implementation of OGP action plans and helps lower the rate of non-implemented commitments.

# Strengthening the Sustainability of Open Government Reforms

Parliament offers a pool of potential champions that can build cross-party support for open government reforms and, by extension, for OGP's national processes. Such cross-party support is critical in delivering substantive results and in limiting the hurdles thrown up by electoral transitions.

Additionally, longstanding open government reforms on thorny issues such as corruption and public service delivery require broad and sustainable coalitions of reformers pushing on various fronts. Parliaments, together with the constituents they represent, can pass legislation to support action on these issues.

## I. Navigating political transitions / risk

**management:** Where OGP engagement becomes closely associated with a particular administration, implementation – and the OGP process at large – may suffer when a new government is elected. Stronger engagement of parliaments can help build cross-party support across the political landscape to ensure that changes in government do not weaken active national participation in OGP.



## Georgia's Open Parliament Plan

The Inter-Factional Working Group of the Parliament of Georgia was recognized with the first Open Government Champion Award at the OGP Summit in Mexico City for its collaboration with civil society in the development of an open parliament plan.

**II. Sustainable action on public services:** Several broader policy areas – most notably public services such as education, health, housing and infrastructure – that broadly enjoy widespread support require cross-party collaboration because they are, by nature, longer term projects. Building on such collaboration would allow OGP to overcome electoral hurdles relatively smoothly. Majority and opposition MPs may play musical chairs, but would still be dancing to the same tune.

## Finland's Slow and Steady Education Reform

Finland's internationally acclaimed education system is largely the result of steady reform driven by cross-party parliamentary collaboration. In the 1940s, the Finnish Parliament established three successive educational reform commissions. Their work spanned several decades: the first law was enacted in 1968 and the final reforms took place in the 1980s.

Today, Finland's progress is the envy of many nations: where in 1970 only 30% of the adult population had upper secondary diplomas, by 2010 that figure had risen to 80% (and 90% for 24-35 year-olds).

**III. Building bridges across government:** Parliament offers new windows of opportunity for cross-sectoral collaboration. It is mandated to work with the executive, the audit institutions and the judiciary, all while representing the people. Importantly, by bringing together elected representatives from across a country or territory, it also serves as a geographical bridge, channeling voices from beyond the capital.



## Buenos Aires

The Buenos Aires city government, one of OGP's subnational pioneers, is creating a roundtable with the executive, legislative and judicial branches of government to provide better access to information across institutions. The specific objective is to make transparent the intrinsic processes of each of the government branches by offering information in open formats to strengthen citizen's capacity to monitor, assess and participate in the decision-making process. For parliament, this includes publishing all information related to the life cycle of the legislative process and implementing virtual participation channels.

# Open Parliaments

Parliaments should aspire to openness across their forms and functions. This means full transparency and accountability in their election and composition, in their management and operations, and across their core functions and activities. It also means providing citizens with meaningful access to decision-makers and decision-making processes to help build trust in the institution. There is real demand for this on the part of many parliaments, and OGP is uniquely positioned to help them deliver.

**I. Composition and Election:** The oxygen of parliament lies in constantly refreshing membership, drawing in new extra-parliamentary groups and power brokers. As a representative body, parliament's composition should reflect all sections of society. This enables it to function as a link between citizens and the executive branch and ensures that the concerns of all groups are reflected in a country's laws, policies and budget. Moreover, the presence of deputies from different political, economic and social backgrounds, along with established mechanisms for citizen participation, lend parliament legitimacy in the eyes of society.



## Argentina's electoral reform

In 2013, only 40% of Argentina's electoral candidates complied with the existing legislation on asset disclosure for electoral candidates. Argentina's 2013 NAP commitment included an amendment calling for mandatory publication of asset disclosures. In 2017, 62% of candidates publicly shared their asset declarations, thereby taking a significant step towards open government by divulging important information on those running for office. In districts where civil society campaigned on this issue, compliance was as high as 75%.



**II. Management and operation:** The management and daily operations of parliament should be transparent where possible. The Rules of Procedure governing the institution are critical, with many parliaments leaving much room for improvement, especially on integrity and accountability of members and staff. Recent backsliding in media access – closing meetings that were previously open to the public and denying journalists their accreditation, for example – call for urgent action.



## Ukraine's Open Parliament Plan

Ukraine's Open Parliament Plan – adopted independently from the national action plan – safeguards access to the work of parliamentary committees for journalists by affording them the right to audio and video record sessions and broadcast them on radio, TV and internet. It also envisages the registration of civil society representatives (and citizens who represent PMOs) to participate in committees' public meetings through committee websites.



**III. Informed Parliamentary Action:** Civic engagement allows for more informed decision-making by connecting legislators to subject specialists and technical expertise they may otherwise not have access to. OGP's added value lies in connecting parliaments to civil society partners that can translate policy proposals into effective implementation, capturing invaluable ideas and feedback as they do so.

**IV. Public Participation:** Securing a space for civil society in the parliamentary process – by opening plenary and committee meetings, making available records of proceedings, conducting public consultations or reserving committee seats for NGO representatives – provides citizens with much-needed avenues to share their inputs and track the implementation of policies. Too often still, parliamentary initiatives fail to tailor the means of engagement to those they are looking to engage, designing tools that are not user friendly or that reach only a small section of the population.

Legislative openness initiatives can provide important opportunities for citizen engagement across parliament's core functions of law-making, representation, oversight and budgeting. Each of these are central to the broader open government agenda, and especially to the plans and priorities set out through national OGP processes. The final sections below suggest how parliaments can partner with OGP to deliver on these initiatives.

**A. Lawmaking:** A growing number of parliaments is opening up its legislative review processes, with many offering citizens the opportunity not merely to monitor but to comment on bills through crowdlaw initiatives. OGP has achieved some success in this area, but huge potential remains with regard to quality and scale. Anchoring such initiatives in OGP action plans gives parliament access to a network of experts and peers ready to share resources, best practices and lessons learned.



## Croatia's Consultation on Legislative Procedures

In 2014, Croatia launched an e-consultation system to improve the quality of its public consultations on legislative proposals. Today, Croatia's procedure invites citizens to share comments on proposed texts and allows them to monitor a proposal from the working group phase to its adoption and publication in the Official Gazette. The e-consultation system has simplified the procedure and has made the responsible authorities more accountable, since they are now required to respond to each comment in a timely manner. CSO stakeholders have confirmed that the e-consultation process works well with over 15,000 registered comments from close to 5,900 participants in 2015 alone.

## Estonia's Rahvakogu Platform

In Estonia, citizens crowd-sourced, prioritized and voted on key policy proposals through online and offline voting on the Rahvakogu platform. So far, this has resulted in concrete reforms in political party financing and a public petition system.

**B. Representation:** Parliaments can reduce the barriers to political participation for vulnerable groups (including women, persons with disabilities, the LGBTI community, minorities and indigenous peoples) through amendments to electoral laws and targeted participation initiatives. Improving civic engagement among the growing group of young people who feel increasingly disappointed by politics and public institutions is vital for democracy in the long run. OGP's co-creation process has already connected participating governments to thousands of civil society organisations. Parliaments, too, would benefit from new partnerships and projects.

## Fiji's Parliament Bus

The Fiji Parliament conducts visits to communities and schools across Fiji in a concerted effort to educate and inform people on the role and work of the Fiji Parliament. The Parliament Bus hosts parliament staff, parliamentarians and – whenever her schedule allows – the Speaker of Parliament. Parliamentarians use these visits to speak to communities that don't find their way to the capital and to touch on issues that require broader consultation. As these efforts are carried by the parliament staff and Members, they enjoy widespread support and have become a hallmark of the Fiji Parliament.



**C. Budgeting:** Since parliament's budgetary capacity is often limited, inviting citizens' inputs across the budget cycle can pay off. Civil society, academia, think tanks and the private sector can support parliaments by providing research and analysis, sharing additional data and facilitating public outreach. By connecting parliament to leading civil society organisations and the citizens they represent, OGP is uniquely positioned to help shape effective citizen engagement in the budget cycle.

**D. Oversight & audits:** Through its oversight prerogative, parliament monitors the implementation of the legislation and budget it has passed. Without effective oversight, legislation risks remaining a dead letter and illicit financial flows risk going unchecked, undermining the performance and accountability of the entire governance system. OGP helps parliaments draw on the ears and eyes of citizens to track the implementation of laws and initiatives. In addition to strengthening parliament's oversight powers, such citizen initiatives build credibility in the institution and, ultimately, greater trust in government.

## Cabo Verde's Oversight of Gender-Based Violence Legislation

Cape Verde's Civil society was actively involved in the advocacy, development and local dissemination of the country's 2011 law on Gender Based Violence. An analysis of the Executive's 2015 Budget Proposal by the parliament's Women's Caucus concluded that insufficient funds had been allocated to the implementation of this law and its accompanying policies. The Caucus successfully called for more gender-based activities, results and indicators in future planning. Today, funds are in place to address gender equality in healthcare programmes and to build the capacity of the agencies involved. The executive has also set up a long overdue implementation framework for the compensation of victims.



## South Korea and Argentina's Participatory Audits

In South Korea, the Supreme Audit Institution invites citizens to help plan the audit and makes available an online system through which citizens can request audits of specific public services providers. In Argentina, the SAI consult expert CSOs during face-to-face meetings and the resulting audit plan is then subject to legislative approval.





## What's next?

If you are a parliamentarian, work in or with parliaments and want to do more around open government and OGP, this paper has given you a large menu of flavours to choose from. In summary, these are some of the most promising next steps you could take:



OGP is excited to build on its work with parliaments and welcomes interest and further uptake in this area. We're also keen to explore potential partnerships. If you want to continue the conversation, contact Paul Maassen at [paul.maassen@opengovpartnership.org](mailto:paul.maassen@opengovpartnership.org).



## Open Government Partnership



# OGP & Parliaments: the story so far

OGP brings together domestic reformers committed to making their governments more open, accountable and responsive to citizens. It provides a platform for government and civil society actors to 'co-create' open government commitments, which are then locked into a two-year plan and independently evaluated. To date, OGP has helped deliver close to 3,000 commitments in 74 participating countries and 15 sub-national pilots.

Initially, seats on the government side of the OGP table were primarily reserved for the executive, with parliaments playing a small part in the national process in a limited number of participating countries. In recent years, that picture has changed – and results have followed.

Today, 23% of OGP National Action Plans (NAPs) require legislative action. Several NAPs expressly include commitments from the legislative branch (Argentina, Ghana, Kenya and Greece, to name a few). Taking this further, Chile, Costa Rica, Guatemala, Paraguay, Colombia, France, Georgia and Ukraine have developed their own 'open parliament plans'. These are separate from Action Plans done by the executive branch, but adhere to similar principles. [The Legislative Openness Working Group](#), led by the

National Democratic Institute and the Congress of Chile, has provided over 70 peer learning activities for over 45 participating countries. Lastly, several civil society partners have expressed a keen interest in bringing in parliaments to facilitate the development and implementation of commitments.

These trends reflect a growing demand for parliamentary participation in the OGP process and a broader trend towards stronger engagement with parliaments across the partnership. In response, OGP's Steering Committee adopted its [Legislative Engagement Policy Guidance](#) in 2016. The policy encourages the adoption of legislative commitments, either as stand-alone commitments within an Action Plan or as part of a separate 'parliament chapter' to an Action Plan. In the case of a separate Action Plan chapter, parliament should adhere to all OGP principles and participation requirements, guidelines and timelines, including the Independent Review Mechanism. This means, among others, that the chapter should cover the same two-year time period as the AP, should be submitted to OGP as part of the AP, and should be developed and implemented in partnership with civil society. Full details are available [here](#).