



Parliamentary Engagement in OGP

Learning from the Evidence



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Executive Summary

This paper aims to inform the Legislative Engagement Policy review and serves as background for consultations with parliaments and partners. It draws on data from the Open Government Partnership (OGP) commitments database, reports from the Independent Reporting Mechanism (IRM), findings from the OGP Support Unit, and insights collected through a range of formal and informal conversations with OGP stakeholders since 2011.

Part I reviews the substance of engagement, demonstrating significant variation in both quality and quantity:

- 1. Parliaments are increasingly acting as implementers of reform by taking legislative action in support of open government reforms.** Since 2011, parliaments have supported the implementation of OGP commitments and open government reforms. This important trend can be accelerated with improved guidance on the engagement of parliaments in the national OGP process for all stakeholders - parliaments, governments, and civil society.
- 2. Despite their evident importance, OGP commitments related to oversight and accountability functions lag behind.** Effective parliamentary oversight of the executive branch is key to the integrity of democratic systems and, by extension, to the open government agenda. However, parliamentary oversight, in OGP, is an area for growth. Moving forward, more commitments could address this.
- 3. More ambition and credible implementation would further strengthen efforts to open up parliaments.** A growing number of open parliament champions are working with civil society advocates to make legislative institutions more transparent, accountable, and inclusive. Stronger co-creation and improved implementation would deepen the impact of these commitments.

Advancing open government through legislative action, oversight, or by opening up parliamentary processes and institutions requires spaces for collaboration and dialogue. The [2017 Legislative Engagement Policy](#) outlines opportunities for parliamentary engagement in OGP, and allows parliaments to co-create and implement open parliament plans as chapters of national action plans. Part II reviews these engagement processes, resulting in two key findings.

First, as OGP data shows, **ambition often comes from effective engagement and co-creation.** Good communication - and collaboration where possible - between government, parliament, and civil society is essential for parliaments to support and contribute to OGP commitments and open government reforms. OGP will develop improved guidance for all stakeholders to work towards shared goals throughout the OGP process, with respect for the separation of powers.

Second, in a number of cases, the integration of open parliament plans in OGP action plans - requiring parliaments to work on the same two-year timeline as their executives - undermines their potential. Such an 'integrated' OGP action plan remains the preferred option, but is not feasible across all contexts or systems of government. In reviewing the policy, OGP will consider how rules can be modified to allow a greater focus on substance going forward.

OGP has seen substantial traction of parliaments as implementers of OGP commitments and reforms as well as in the co-creation and implementation of open parliament commitments and plans. As OGP steps into its second decade, parliaments will remain instrumental in delivering on open government ambitions. The revised parliament policy will enable all members of the OGP community to explore this to the fullest.

Introduction

Strong legislative frameworks and independent, effective oversight are important enabling factors in the delivery of sustainable open government reforms. Some of the key aspirations of the open government movement (pursuing rights-based approaches to open government, institutionalising reforms through legislation, ensuring sufficient allocation of resources to open government reforms, promoting and protecting civic space, defending democratic processes and institutions, and in the current context ensuring an open response, recovery, and renewal from the COVID-19 pandemic) simply cannot be met by the executive branch alone. They require legislative support.

Parliaments have participated in the Open Government Partnership (OGP) from the very beginning and have enabled the delivery of landmark open government reforms, from whistleblower legislation in [Ireland](#) to right to information frameworks in [Kenya](#), [Sri Lanka](#) and [Paraguay](#), and beneficial ownership transparency in [Armenia](#) and [Nigeria](#).

Concretely, parliaments can help advance OGP commitments (and the open government agenda more broadly) in three key ways:

- 1. Legislative action:** parliaments can take legislative action to help translate commitments into action at the country level;
- 2. Parliamentary Oversight:** parliaments can advance open government reforms and OGP commitments by holding governments accountable;
- 3. Opening up Parliament:** parliaments can adopt the open government principles of transparency, accountability, participation, and inclusion in their own work and practices.

Creating active spaces for cross-party dialogue as well as dialogue with civil society and parliamentary constituents is crucial for the sustainability of these efforts.

Since the adoption of the [OGP Legislative Engagement Policy in 2017](#), there has been considerable experience gathered on its implementation with over half of all OGP member countries witnessing parliamentary engagement in the OGP process or action plans. Following through with the review stipulated in the 2017 policy and as OGP steps into its second decade, it is useful to examine both the practice of how parliaments are participating in OGP and their commitments.

A more thorough understanding of these elements will help assess areas in which the existing Legislative Engagement Policy needs to be strengthened in terms of its rules and guidance as well as the role different stakeholders need to play to strengthen its implementation.

This paper seeks to provide the evidence base to inform the 2021 Legislative Engagement Policy Review and serves as background for consultations with parliaments and partners. It draws on reports from the Independent Reporting Mechanism (IRM), findings from the OGP Support Unit, and insights collected through a range of formal and informal conversations with OGP stakeholders.

The paper first examines the substance of parliamentary engagement (i.e. commitments made by the parliament via OGP action plans) and actions taken to either advance or oversee commitments made by the executive branch. It also examines the process of engagement, including the modalities of participation in OGP action plan processes, co-creation with civil society, and the spaces created or used to promote dialogue.

OGP's 2017 Legislative Engagement Policy

When the Open Government Partnership (OGP) was launched, formal engagement on the government side was largely limited to the executive branch. Since 2017, in response to the growing engagement of parliaments, parliamentary engagement in OGP has been governed by dedicated [legislative engagement policy guidance](#). This policy invites parliaments to:

1. Co-create commitments as part of the action plan process, and/or;
2. Co-create a stand-alone Open Parliament Plan (OPPs), which is submitted as a chapter of the action plan;
3. Advance and oversee commitments in action plans.

Individual commitments and OPPs co-created along these lines are recognised and assessed by OGP's Independent Reporting Mechanism (IRM). Parliament commitments and OPPs can be submitted as amendments to an original action plan, as [per OGP rules](#).

Objectives of the Policy Review: The 2021 OGP Legislative Engagement Policy Review seeks to ensure that:

- The rules and guidance for parliamentary engagement are updated to enable strengthened engagement of parliaments in the co-creation, implementation or oversight of open government reforms, building on the lessons learned till date. It also ensures that these updated rules are fully aligned with the revised Rules of the Game and compatible with the [IRM Refresh](#).
- Parliaments and their members are better integrated in OGP efforts at the national, regional, and global levels to advance strategic thematic priorities and there is improved coherence between OGP's overall strategy and its parliamentary engagement policy.
- There is accommodation for the different systems of governance and parliamentary structures and traditions across the breadth of OGP membership.

Section I: Reviewing the Substance of Engagement

The 2017 Legislative Engagement Policy envisaged parliaments to:

- take legislative action in support of open government including enacting and resourcing implementation of open government reforms;
- oversee government activity, including government implementation of OGP action plans, for example, through public hearings reviewing the IRM reports
- advance openness of parliaments themselves by opening up information and process.

What has been the experience so far? What can be concluded from the data from action plans and the IRM? What questions remain to be answered in the course of this review and future research? This section explores the above for each category of action.

1.1 Legislative Action on Open Government: Opportunity for Acceleration

Parliaments have supported the implementation of OGP commitments and open government reforms by taking legislative action in a number of areas. Highlights include [Ireland's](#) 2014 Protected Disclosures Act which was hailed as one of the most robust pieces of whistleblower legislation in the world. The parliaments of [Ghana](#), [Kenya](#), [Paraguay](#) and [Sri Lanka](#) moved on introducing or strengthening right to information legislation, strengthening the enabling framework for broader open government reforms. And more recently, [Armenia](#) and [Nigeria's](#) legislatures enacting pivotal provisions en route to the implementation of beneficial ownership commitments made by the executive branch in their OGP action plans.

Parliaments are increasingly acting as implementers of reform by taking legislative action in support of open government reforms

Since 2011, 765 commitments have been tagged under the “Legislation and Regulation” category, representing 17% of OGP commitments to date. This has increased in recent action plans. Of all commitments co-created in the last two years, 20% were tagged as ‘Legislation and Regulation’.

It is important to note that, OGP does not separately record whether commitments fall into the ‘legislation’ (requiring legislative action, and therefore parliamentary engagement) or ‘regulation’ realm of action. An audit of action plans of the last two years revealed that nearly two thirds of ascertainable legislation and regulation commitments require legislation. We should extrapolate with caution, but these numbers suggest that somewhere between 10% and 15% of all OGP commitments require legislation action.

A positive trend is that parliaments are increasingly engaged in OGP as implementers of reforms. Policy areas such as anti-corruption and access to information most commonly require legislative action, followed by fiscal openness. Commitments on extractive industries also stand out since taking steps towards a legal framework that promotes transparency and accountability is a common denominator across the ambitious commitments in this policy area. Participation in law-making is also notable, a policy area in which parliament is a critical actor both as an initiator and implementer:

Policy Area	No. Commitments
Anti-corruption	205 ¹
Access to information	192
Fiscal openness	131 ²
Public services	107
Private sector-related reforms	82
Money in politics	67 ³
Sustainable Development Goals	67
Participation in law-making	54 ⁴
Justice	50
Civic space	38
Extractives	37
Gender	28
Open contracting	23

In 2020, OGP started tracking legislative commitments in emerging areas of importance in the open government agenda such as automated decision-making, data stewardship and privacy, disinformation/misinformation, online civic space, regulation of big tech, and digital governance. While these have recorded just a single commitment since then, more traction is expected in the coming years. These are areas where parliamentary engagement (legislative action, oversight and dialogue) can make significant contributions.

A machine-learning examination of the text of OGP commitments shows that legislation-related terms (e.g. “Law”, “bill”, “draft law”, “legislation”, and “legal”) are highly associated with ambition⁵. This means that, in addition to the role of these commitments in law-making, and thereby codifying open government reforms, the IRM considers these reforms to be potential game-changers. Commitments under Legislation and Regulation also demonstrate high completion rates, signalling they were largely or fully implemented within the action plan timeframe, as reviewed by the IRM.

111 Legislation and Regulation commitments have been rated ‘potentially transformative’ by the IRM (the highest possible ambition rating). For 87 of those, completion data is available (others have not yet been reviewed or not yet started). 30 required legislative action (drafting, adopting and/or amending legislation), and only half of those were ‘substantially completed’ or ‘completed’. This indicates that there is an opportunity to strengthen implementation of these highly rated commitments requiring legislation through more effective parliamentary engagement.

¹ Including 25 on asset disclosure, 23 on beneficial ownership, 23 on conflicts of interest and 18 on elections and political finance

² Including 90 on Publication Of Budget/Fiscal Information, 20 on Public Participation In Budget/Fiscal Policy, 18 on Oversight Of Budget/Fiscal Policies, 31 on tax.

³ Including any commitment tagged as relevant to Conflict of Interest, Asset Disclosure, Elections & Political Finance, or Lobbying

⁴ Includes any commitment tagged as relevant to Lobbying OR Open Parliaments + Public Participation

⁵ Ambition in OGP refers to those commitments with moderate or transformative potential for impact as assessed by the IRM.

Gaps: Understanding impact, the role of parliaments in initiating commitments, and missed opportunities for parliamentary engagement

Legislation and Regulation commitments perform a little below average on the ‘Did It Open Government’ (DIOG) indicator: out of 148 commitments that score high on ambition and completion, 57 also perform strongly on DIOG. There is an absence of evidence as to why this is, but anecdotal evidence suggests this is probably explained in part by a lag in impact rather than a lack of impact. Moving from legislative action to implementation is a complex and lengthy process. Once legislation is adopted, the translation of that legislation into a regulatory framework (and, ultimately, implementation) is typically a multi-year undertaking. Afghanistan’s commitment on its Law on Processing, Publishing and Enforcing Legislative Documents and Ukraine’s commitment on a law on public consultation were considered potentially transformative and fully completed, but recorded impacts remained ‘marginal’ at the time of the IRM review.

OGP is also not set up to track commitments beyond the action plan period, and therefore does not systematically capture to what extent commitments included in previous action plans lead to opening governments further down the line.

There are also some important unknowns that limit further analysis and sensemaking from the data. First, we do not fully understand the role of parliaments in initiating and/or supporting the co-creation of commitments that require legislative action. Work is underway to map the provenance of OGP commitments: this will allow a better understanding of where and how commitments originate, with parliaments as possible initiators.

Second, combining legislation and regulation in a single tag makes analysing data on commitments that specifically require legislative action a time and labour-intensive task. This needs attention as OGP makes continual improvements to its data tagging systems.

Finally, we do not have a clear picture of the missed opportunities in this area. Currently, there is no systematic way to query the data to find what commitments required legislative action and failed to be (fully) implemented due to a lack of parliamentary engagement. Or indeed, what commitments might have benefited from legislative action but did not specify these due to the government’s treatment of separation of powers in making commitments or adopting specific milestones. Additional data collection and analysis is also needed to understand how systems of government (presidential or parliamentary) or differences in parliamentary systems affect the adoption and implementation of commitments requiring legislative action.

Emerging Insights

Even as parliaments are increasingly engaged as implementers of commitments, it is evident that more can be done in this area, particularly around thematic priorities that stand to benefit from open legislative action (e.g. civic space, environmental democracy, other legislative measures taken in response to the COVID-19 pandemic, etc.).

The current legislative policy creates room for parliaments to make commitments through the executive-led national OGP co-creation process or develop their commitments through an independent process, following OGP standards. Yet, limited coordination between the executive and legislative branches prevents the full potential of open government reforms being advanced through legislative action.

Given OGP’s mandate and the wide variety of systems of government its membership represents, OGP cannot prescribe engagement of specific state institutions in the OGP process or coordination between them. However, there are several improvements that can be considered.

1. Asking country stakeholders engaging in the executive action plan process to systematically assess commitments that need legislative action (a ‘legislative scan’) as part of the OGP commitment template. This could enable country stakeholders to identify where specific parliamentary outreach and engagement is needed and develop strategies to do so.

This could in turn inform the high-level outreach, peer exchange and support strategies of the OGP Support Unit, OGP Steering Committee and partners. Additionally, OGP needs to better understand how domestic civil society's legislative advocacy agendas could be connected to the national OGP dialogue and plans.

2. Improved guidance to OGP Points of Contact on engaging parliaments in their OGP process, recognizing limitations that might be imposed by different systems of government or different parliamentary systems.
3. Targeted support to parliamentary engagement around OGP's focus themes as laid out in OGP's Three-Year Implementation Plan.
4. Ensuring that convenors of open parliament plans engage the appropriate parliamentary representatives to enable commitments that relate to legislative action.

Questions for consultation:

- Overall, where and how could the existing policy be strengthened for encouraging legislative action?
- How can legislative commitments be made under different systems of government and in view of the separation of powers, and how should this influence the rules and guidance in the revised policy?
- How can improved coordination between the executive and legislative efforts for open government take into account different systems of government?
- How can domestic civil society be better equipped to engage parliaments in their national OGP processes, or connect their work with parliamentarians outside OGP processes with the national dialogue and plans?
- What are the implications for co-creation rules, guidance, and support extended to parliaments and the executive to accelerate progress in this area? What are some of the specific actions that national OGP coalitions can take in this area?

1.2 Oversight: The Need for a Quantum Leap

Effective parliamentary oversight of the executive branch is key to the integrity of democratic systems and, by extension, to the open government agenda. Parliaments can exercise oversight of the government through parliamentary questions and committee work. In addition, they can play a key role in institutionalising, overseeing, and building on the work of accountability mechanisms such as audit institutions, ombudsmen and other oversight bodies. This role is especially acute with rising authoritarianism, some of it tied to power grabs by the executive branch and dominant parties.

Despite their evident importance, OGP commitments related to oversight and accountability functions lag behind

[OGP research](#) confirms the importance of oversight commitments. Fiscal oversight and oversight for anti-corruption hold particular potential in areas of key concern today: the protection of civic space, the integrity of democracy, the response and recovery from the COVID-19 pandemic, and the climate crisis. Recent research on stimulus and pandemic relief oversight showed just how important parliaments are as representatives of the public and as channels for public accountability in ensuring equitable, effective, and efficient spending.

In addition to strengthening parliamentary oversight, there is also a need to strengthen related elements of public participation and disclosure, including transparency of the oversight mechanisms themselves in addition to contents under review. Yet, only 10% of OGP commitments are on parliamentary oversight and only a handful of those are led by the parliaments themselves. [Kenya's](#) commitment to build a legal framework for public consultation across the legislative and other business of

Parliament and its committees stands out as an example, but here again, implementation has proven challenging per the IRM's assessment. In general, legislative commitments in OGP tend to focus more on participation and transparency rather than on oversight or accountability mechanisms.

Alongside commitments on oversight of open government reforms, a handful of parliaments have employed their oversight powers to oversee the OGP action plan. The parliaments of Kyrgyzstan and Liberia have committed to monitoring the implementation of the OGP action plan, and several countries have used IRM reports to inquire about the implementation of the OGP action plan. In Kenya, Senator Serargey made a statement to Parliament positioning OGP as a tool for legislative oversight and accountable governance in the country, touching on Parliament's role in implementing the action plan and in delivering on some of the key priorities going forward, including debt transparency and equitable vaccine distribution. However the contributions of such efforts to eventual results is not known.

Gaps: Lack of evidence of parliamentary oversight of OGP plans, commitments or its efficacy

In addition to the notable lack of OGP commitments on parliamentary oversight, there are some other areas where data and evidence are lacking. OGP does not systematically track efforts of parliaments to hold the executive branch to account on the implementation of OGP action plans or specific reforms. In the instances where this does happen, there is no evidence in support of the efficacy to advance the implementation of the commitments.

It is also important to note that OGP does not currently have an 'oversight' or other data tag that allows deeper qualitative assessment of parliamentary oversight. For these reasons, OGP has not measured how these commitments perform and/or compare to others.

Emerging Insights

Parliamentary oversight is integral to democracy and therefore indispensable for the open government agenda. Parliamentary oversight in OGP is an area for growth: moving forward, more commitments could address this area of unmet need.

1. National OGP coalitions, parliamentary monitoring organisations, and convenors of open parliament plans could do more to engage parliaments in playing this oversight function, and share lessons with the broader community where this is being done more proactively.
2. The current Legislative Engagement Policy does not preclude parliaments from co-creating or implementing public oversight commitments, or overseeing the implementation of the executive's plans or commitments, but no dedicated support and/or guidance is in place to facilitate this.

Questions for consultation:

- How can the OGP platform be used to strengthen parliamentary engagement in the much needed growth area of parliamentary oversight commitments?
- How can we encourage and better track parliamentary oversight of OGP plans or commitments?
- For both, what roles do different actors in the OGP ecosystem need to play? What is the support needed from the Support Unit and other partners? And what actors, structures and processes should be accounted for in any revised OGP guidance to encourage action in this area?

1.3 Opening up Parliaments: Investing in More Ambition and Credible Implementation

A growing number of open parliament champions have worked with civil society advocates to make legislative institutions more transparent, accountable and inclusive. Recent years have seen an increase in uptake of open parliament commitments in OGP action plans, with a peak in 2018. Since the adoption of the 2017 Legislative Engagement Policy, full-fledged open parliament plans have been developed in [Argentina](#), [Chile](#), [Georgia](#), [Indonesia](#), [Kyrgyzstan](#), [Morocco](#), [Paraguay](#), and [North Macedonia](#). 102 out of 160 of open parliament commitments were co-created by these parliaments.

Region	Number of open parliament commitments (open parliament plans in italics)
Africa	16 (Kaduna State, Nigeria; Kenya; Liberia; <i>Morocco</i> ; Nigeria; Sierra Leone; Tunisia)
Americas	32 (Argentina; Brazil; Buenos Aires, Argentina; Canada; <i>Chile</i> ; Costa Rica; Dominican Republic; Honduras; Jalisco, Mexico; Panama; Peru; <i>Paraguay</i> ; Uruguay)
Asia-Pacific	51 (Afghanistan; Armenia; Azerbaijan; South Cotabato, Philippines; <i>Georgia</i> ; <i>Indonesia</i> ; <i>Kyrgyz Republic</i> ; South Korea; Sri Lanka; New Zealand; Philippines; Papua New Guinea)
Europe	61 (Albania; Bulgaria; Denmark; Estonia; Finland; Greece; Croatia; Italy; Lithuania; Latvia; Madrid, Spain; Moldova; Montenegro; <i>North Macedonia</i> ; The Netherlands; Portugal; Romania; Serbia; Scotland, UK; Slovak Republic; United Kingdom)

Open parliament commitments perform average on ambition: 44% of open parliament commitments are rated ‘moderate’ or ‘potentially transformative’ by the IRM, compared to a global average of 45%.

To illustrate, examples of strong open parliament commitments include the asset declaration legislation passed by [Argentina](#) opening up information on asset disclosures of Members of Parliament, the significant and ongoing steps [Estonia](#) is taking towards transparency and citizen participation in law-making, and the work [Sierra Leone’s](#) parliament is doing to include more women and vulnerable groups in parliamentary business.

Open parliament commitments with poor ambition scores⁶ vary widely in focus, but a significant portion of them fall into two categories: awareness raising (publicity campaigns, social media outreach, web portals that improve user experience but don’t disclose any new information) and institutional development (often building on existing strategic plans, but without concrete steps towards increased transparency, accountability or participation). While many of these are laudable initiatives, they are only marginally relevant to the open government agenda.

The average rate of completion of commitments related to opening parliaments is just under 75%, which is similar to the global average for other types of commitments. Members with several open parliaments commitments tend to complete them at lower rates than members with only 1 or 2 commitments. Further data collection and analysis is needed to understand this discrepancy; anecdotal evidence suggests this could be due to the length of some open parliament plans (more than 5, in some cases more than 10 commitments) and/or due to issues around buy-in and capacity at implementation level. Around 20% of the commitments are not relevant to any of the OGP values (transparency, accountability, participation, and inclusion).

Finally, even as some parliaments have convened standalone co-creation process to adopt and implement open parliament plans with commitments that open up parliamentary information or processes, this has not been accompanied by commitments relating to legislative action (either to complement the executive branch’s commitments or legislative action initiatives by parliaments) or those relating to parliamentary oversight by those parliaments.

⁶ Scoring ‘Minor’ and ‘None’ on ‘potential impact’, as assessed by the IRM.

Gaps: Limited IRM data and resources to incentivise ambition

A significant number of open parliament commitments co-created from 2018 to 2020 were included in open parliament plans as part of action plans yet to be reviewed by the IRM at the time of writing, while others were added in addendum to already submitted action plans. For these commitments, no data is available on potential impact (ambition).

It is also unclear why, following a peak in 2018, the number of open parliament commitments has dropped. This could be (and likely is) simply a historical anomaly. It could also be a result of the 2017 Legislative Engagement Policy. The opportunity to manage a distinct co-creation process may have encouraged some parliaments to accelerate their work in this area, while discouraging other parliaments who may have viewed the co-creation process as onerous from doing the same.

A gap in encouraging greater ambition in open parliament commitments has been the lack of model or sample commitments across a range of open parliament issues, that take into account different starting points and different systems.

Emerging insights:

With a considerable number of parliaments now co-creating open parliament commitments, either as stand-alone commitments in the executive branch's action plan or as full-fledged open parliament plans, there is a clear opportunity to invest in improved ambition and relevance. Experts in parliamentary openness could work with OGP to create a range of sample commitments, complemented with outreach and peer exchange efforts to cultivate leadership and provide opportunities for peer learning and inspiration.

The finding that completion rates are lower where more than one or two commitments are co-created suggests that the rules and guidance governing the co-creation of commitments, particularly for independent open parliament plans, needs a firm rethink (see discussion under 'co-creation' in Section II for a detailed discussion).

Finally, it is important to recognise that co-creation comes with additional challenges in countries where the existing relationship between parliament and civil society is fraught. It is not unusual for parliament and (parts of) civil society to develop an adversarial dynamic: parliament and/or individual members of parliament may perceive civil society actions as adverse, while civil society may feel parliament is not adequately representing its interests. In such cases, it may be difficult to conduct or even initiate a strong co-creation process. Here, too, the revised rules and guidance referenced above should provide further support to the stakeholders involved.

Questions for consultation:

- How can OGP encourage more ambitious open parliament commitments?
- What guidance or support could OGP offer to facilitate the co-creation and implementation of more ambitious open parliament commitments?
- What OGP rules and/or guidance complicate the co-creation of open parliament commitments? What would need to change to strengthen ambition and improve completion rates?
- What opportunities for learning would help raise the ambition of open parliament commitments?

1.4 Fostering Collaboration: Investing in Active Spaces for Dialogue and Action

Advancing open government, through legislation, parliamentary oversight, or by opening up parliamentary processes and institutions, almost always requires spaces for collaboration and dialogue for soliciting input, negotiating across party lines, agreeing approaches, receiving and responding to feedback. The 2018 Parliaments as Partners for Open Government Reform publication notes several such areas where multi-stakeholder dialogue is essential. As examples:

- Spaces for civic engagement may allow for more informed decision-making by connecting legislators to subject specialists and technical expertise they may otherwise not have access to.
- Similarly, as a growing number of parliaments currently do, offering citizens to not just monitor but also comment on bills through crowdlaw initiatives requires spaces for deliberation on such comments.
- Legislation and oversight in several policy areas - most notably public services such as education, health, housing and infrastructure - require cross-party collaboration because they are, by nature, longer term projects.
- Coordination between parliamentary staff and members of parliament is essential for ensuring that the management and daily operations of the parliament as an institution is open, where possible.
- Similarly, balanced annual budgets, –proposed by the executive and reviewed and adopted by parliament – are necessary to resource the sustainable implementation of OGP commitments.
- Parliamentarians should facilitate dialogue between public petitioners and the executive.

While almost all parliaments may have existing structures and processes in place to facilitate the above, including standing and ad-hoc committees and public hearings, the emphasis, and added value that OGP brings is, in promoting the openness and accessibility of these structures and processes to the broader public.

OGP participants commit to developing action plans through a multi-stakeholder process, with the active engagement of citizens and civil society, recognizing that the collaboration of citizens, civil society, political and official champions and other stakeholders is essential to developing, securing and implementing lasting open government reforms. The requirements of co-creation and establishment of multi-stakeholder spaces for dialogue are some of the means provided for in the OGP model to achieve this collaboration.

Section 2: Reviewing the Process of Engagement

The adoption of the 2017 Legislative Engagement Policy formally recognised the role parliaments can play in advancing the open government agenda, and explicitly sought strategic engagement of parliaments in OGP.

It encouraged parliamentary engagement in many forms - from peer learning to members of parliament playing a leading role passing relevant legislation and participating in events to parliament-driven chapters of national action plans. It stipulated that parliaments in OGP members that wish to develop open parliament commitments could do so in two ways:

1. Integrate open parliament commitments in the “Commitment” section of the OGP action plan;
2. A separate parliamentary chapter of the action plan

The policy noted that an action plan is just that - a national action plan, rather than an executive action plan. There it encouraged governments and parliaments to coordinate in the development of action plans. It also noted parliaments that decide to develop a separate chapter should adhere to OGP principles and participation requirements, guidelines and timelines that are in place) including the IRM monitoring protocol and process, self-assessment and co-creation, action plan submission, and delivery timeframes.

What has been the practice since then, and what lessons can be learned?

2.1 Limited Understanding of What Motivates Parliaments to Engage in OGP

Since the introduction of the Legislative Engagement Policy, seven countries have submitted action plans with separate parliamentary chapters. 26 other countries and six OGP Local members have had parliaments submitting commitments within the Commitment section of the action plan. Political support for this agenda in parliament, the institutional relationship between the parliament and the executive branch , and technical and financial support provided by international partners are all presumably factors influencing the engagement of parliaments across OGP. However this is not currently tracked at the country level or by the OGP Support Unit.

Countries submitting separate parliamentary chapters, and some OGP members that pursued open parliament plans outside of OGP, have often noted ‘separation of powers’ as the primary reason for not participating in a joint action plan co-creation process together with the executive branch. In these cases, it is seen as difficult to ‘join’ or ‘support’ the OGP process if it is perceived as an executive-led initiative. The separation of powers can also make it difficult for the executive branch - in particular the executive’s OGP point of contact - to actively engage or ‘guide’ the legislature, which can be misconstrued as an attempt to interfere in parliamentary affairs. The strength of these considerations depends to a large extent on a country’s form of government (presidential, semi-presidential, parliamentary) in addition to political and electoral dynamics.

However, as the data shows, a number of OGP countries have found a way around this potential barrier in pursuing parliament and government commitments within the framework of a single action plan. The Americas region is moving in this direction, with an overarching narrative that has been shifting from open government to open State. Additional data collection is needed to understand other enabling factors that have allowed countries to pursue this mode of parliamentary engagement in OGP, while honoring the separation of powers and to what extent those might offer ways for countries where this remains the single biggest challenge to pursuing a joined-up efforts (Nigeria), or with the support of partners able to connect government officials and legislators on these reforms (Chile, Paraguay).

Beginning in 2020, the OGP Support Unit began tracking data on OGP multi-stakeholder forums in more detail. Out of the 76 countries OGP has data on, 32 had some active participation by parliamentary actors (Members and/or officials) at some point in the year (for example, Afghanistan, Cabo Verde, Croatia, Kenya, New Zealand). Of those, another 10 had consistent (at least three of four quarters) attendance and participation by parliamentary officers. Others have seen parliamentary engagement in commitments beyond open parliament commitments as result of proactive outreach by domestic actors (Armenia, Nigeria), or with the support of partners able to connect government officials and legislators on these reforms (Chile, Paraguay).

However, there has been no systematic data collection on the degree to which inclusion of open parliament commitments or inclusion of parliamentary representatives in national multi-stakeholder forums has led to improved coordination on commitments related to legislative action, or to increased parliamentary oversight of the action plan. Countries that have submitted open parliament plans as separate chapters of the Action plan have also co-created and implemented those commitments with limited, if any, reference or link to the broader action plan. The parliaments of Georgia and North Macedonia, for example, submitted open parliament plans that met OGP requirements but that did not build on, or engage with, the commitments in the executive action plan. Going forward, it will be important to explore how such opportunities can be enabled and encouraged more fully.

Understanding how best to secure increased engagement of parliaments and better coordination between the different branches of government remains important. In several OGP countries, executive powers may commit - or be asked to commit - to reforms whose adoption or enactment ultimately rests with the legislature (a number of 'legislation' commitments fall into this category). It is important, in those cases, to recognise that the executive branch cannot assume legislative action, and to approach (and where possible involve) parliament in commitment design to adequately account for parliamentary processes. For example, successive action plans for the Philippines and Georgia have included commitments to adopt or amend freedom of information legislation but these have not directly engaged the parliament within the framework of the OGP dialogue, even as advocacy groups have lobbied parliamentarians outside of OGP on this issue. Furthermore, as an increasing number of OGP members take their OGP action plan consultation processes out to citizens, opportunities for funneling ideas or actions to the appropriate branches of government are lost if no proper coordination mechanisms are in place.

2.2 Compliance Trumps Ambition and Meaningful Collaboration in Co-Creation Processes

Under the 2017 Legislative Engagement Policy, function follows form - and function, inevitably, suffers. The requirement that parliamentary chapters that have been separately co-created by the parliament through its own process be submitted and reviewed as part of the action plan, following the same timeline as the executive branch and reporting to the executive PoC, hampers the co-creation of open parliament plans. Some parliaments have rushed co-creation processes that do not meet the OGP co-creation standards to meet deadlines. Others have chosen to postpone or not co-create at all, because the timelines for the executive branch do not align with those of the parliament. As a result, parliaments and/or partners may have been inadvertently motivated to 'get the plan out' rather than 'get the plan right'.

The number of civil society groups engaging in the parliamentary co-creation process has also largely been limited to groups that include parliamentary reforms within their organisational focus, rather than the broad base of civil society actors engaged in legislative advocacy outside of OGP. Efforts to consult outside of the open parliament working groups have been limited. To advance parliamentary engagement on the core open government challenges cited throughout this paper (anti-corruption, civic space, an open response and recovery to the COVID-19 crisis), bringing a broader spectrum of civil society organisations into these conversations will be pivotal. Examples of parliaments already engaging with civil society across a range of policy areas, beyond opening up parliament itself, include Paraguay and Chile, where a number of organisations with a core focus on public services are part of the conversation.

OGP stakeholders do, however, recognise that open parliament plans have provided important opportunities for parliaments and civil society organisations to come together, often with limited precedent. Civil society actors that have been engaged have repeatedly expressed that OGP helped create a much-needed space for exchange, with lines of communication remaining open, even in challenging circumstances. Similarly, legislators and parliamentary staff have indicated that the OGP process positively influenced perceptions of civil society and civil society engagement, and helped socialise the concept of a more open legislature among (leading) members of parliament and staff.

Ownership of this agenda by the legislative actors involved (parliamentary staff and senior members of parliament across politics groups and at all levels) is also key to strong co-creation processes and ambitious commitments. Some parliaments have taken steps to ensure cross-party engagement. The parliament of Georgia, for example, has an Open Governance Permanent Council that in turn engages publicly through a Consultative Group consisting of 17 civil society organisations. However, open parliament plans are often driven by one or two champions in parliament and typically lack the cross-party support or institutional buy-in to allow for transformative commitments. In such cases, as there is little or no accountability on the part of the institution as a whole, results will be uneven at best. Building political will and ensuring a commitment to this agenda beyond partisan interests will be critical to transformative and sustainable reforms. Resourcing is key: where no dedicated staff are in place to advance this agenda, - both internally and with external stakeholders - critical momentum may be lost. To strengthen both the quality of the co-creation process and the resulting commitments going forward, broader support across the institution - including from senior staff - will be paramount.

Finally, as previously mentioned, the provenance of open parliament commitments within action plans is not tracked at this time, and therefore it is hard to ascertain the degree to which those commitments have been co-created even if the action plan as a whole may have been co-created.

2.2 Current rules limit opportunities for timely monitoring and learning

The existing model of engagement creates complications for OGP's Independent Reporting Mechanism, for parliaments, and for partners. The IRM has reviewed open parliament plans in all cases where they were submitted as part of the action plan, which has typically meant reviewing two fully separate processes, as provided for by the current policy. Several parliaments would welcome more room for the legislative co-creation process than is currently possible in a single 'combined' IRM report, while others object to any review that is not done by a recognised 'parliamentary' body.

Open parliament chapters that are submitted as amendments to the action plan, taking advantage of OGP rules that allow action plans to be amended up to a year after the original submission due date, are not featured in the IRM design reports. This is a missed opportunity for learning and course correction during implementation. To date, three open parliament plans (Morocco, Kyrgyzstan and Chile) fall into this category.

The current scope of the IRM and rules in place also do not need an assessment of the extent to which parliaments are engaged in furthering other open government objectives beyond looking at the co-creation process and the commitments included in the action plans or in parliamentary chapters. Here too there is a missed opportunity for those engaged in these processes in being asked to critically examine gaps and consider actions for improvements.

Need for strengthened guidance and support from OGP

Formal OGP guidance for parliamentary engagement does not extend beyond the 2017 Legislative Engagement Policy, and support to parliaments is provided ad hoc. An important consequence of this is that parliamentary engagement remains quite insular. It is not yet part of the standard OGP toolbox, or guidance materials such as the [OGP Handbook](#).

In practice, this often creates difficulties. There is currently no requirement for parliaments to appoint a formal parliamentary focal point. Significant information gaps on rules, requirements, support and opportunities available remain on both sides due to the lack of necessary processes for such focal points in parliaments and parliamentary multi-stakeholder forums (where they exist), in addition to all formal communications from the OGP Support Unit to countries channeled through the executive branch.

The OGP Support Unit's regional coordinators work with parliaments on a case-by-case basis, without sufficiently clear guidance on what is possible or expected. On the parliament side, this can lead to a lack of clarity or misinterpretation of OGP rules, requirements and support opportunities. On the government side, OGP points of contact are not systematically informed of parliamentary engagement models in OGP, and are rarely proactively encouraged to explore opportunities. This leads to uneven engagement and missed opportunities, particularly when it comes to legislative support for, and oversight of, open government commitments.

Emerging Insights

Parliaments are participating in action plans in growing numbers, but they continue to sit somewhat uneasily in the OGP space. Their integration in the OGP process is typically partial at best: by design in some cases, but due to a lack of suitable guidance and proactive engagement in others.

Systematic engagement of parliaments in OGP requires action by a number of actors:

- For the executive-led OGP process, points of contact, OGP multi-stakeholder forum representatives, and agencies or organizations responsible for commitments need to assess the extent to which commitments need to be supported by legislative action and with that undertake strategies to engage with parliaments early in the co-creation phase as well as during implementation. Civil society actors in particular have a crucial role to play in advocating for parliaments to participate in OGP processes and in connecting their legislative advocacy outside OGP to reforms pursued within OGP action plans.
- Where a single OGP multi-stakeholder forum and co-creation exercise involving both the executive and the legislative branches are not feasible, other forms of communication and coordination need to be pursued by the executive point of contact and convenors of open parliament processes and/or relevant parliamentary bodies.
- Convenors and supporters of open parliament processes need to ensure that these processes include cross-party representation, engagement of parliamentary staff, senior members of parliaments, as well as dialogue with citizens, and civil society as representatives of citizens' interests. An assessment of the role the parliament can play in advancing or maintaining oversight over the executive's commitments in OGP should also be part of the open parliament process if the full potential of parliamentary engagement in OGP is to be realized.
- Finally the OGP Support Unit needs to improve guidance and support available to parliaments themselves as well as the stakeholders engaging in the executive process. Dedicated opportunities for learning and exchange should extend beyond parliamentary actors to include government officials and international and local civil society actors.

Questions for consultation:

- For countries where parliaments convene separate co-creation processes, how might de-linking the executive and parliament action plan submissions improve the co-creation of open parliament plans? Concretely, how could parliaments be encouraged to meet OGP's co-creation standards?
- The majority of parliaments currently participate in joint co-creation exercises with the executive. Would the option to de-link executive and parliament action plan submissions inadvertently encourage them to pursue separate processes?
- For parliaments convening separate co-creation processes, what roles/functions might serve best as the equivalent of the executive's "Ministerial Point of Contact" and "Working Level Point of Contact"?
- What might a fit for purpose monitoring mechanism for the open parliament plans look like?
- Beyond the rules, what types of guidance would parliaments and the executive benefit from?

Section 3. Implications for the Review

- 1. How can the institutionalising of open government reforms through legislation be given greater consideration within OGP processes?** Even as national dynamics between the executive and legislative branches, systems of government, separation of powers, and processes for introducing and amending legislation means that there might be limits to commitments that can be made on legislation, a deeper analysis of how open government commitments can be institutionalised through legislation and subsequent action could play a significant role in sustaining open government reforms. Instruments like a 'legislative scan' included in the commitment template could contribute towards this. The review needs to consider what other tools and approaches might work in practice.
- 2. Moving forward, how can more commitments on oversight be secured?** Public oversight by and with the support of parliaments is essential to the integrity of democratic systems and sustainable equitable growth and therefore at the heart of the open government agenda. This is a significant growth area for OGP in its next decade. Securing these commitments will need all actors (parliaments, domestic civil society, supporters of the open parliament agenda, the OGP Support Unit and partners) to play their part. The review needs to address how these actors can be better enabled to achieve this objective.
- 3. What are the types of resources and support needed to strengthen the ambition and implementation of open parliament commitments?** Clearly, there needs to be a recognition of differences in starting points, and differences in parliamentary systems in tailoring recommendations on the types of commitments parliaments should undertake to demonstrate greater ambition. The review needs to consider resources and support mechanisms available currently and how these need to be bolstered.
- 4. How can guidance and communication accompanying the revised Policy be improved to ensure it is implemented in practice?** The value proposition of parliamentary engagement in OGP or its objectives have not changed significantly since the introduction of the 2017 Legislative Engagement Policy. If anything, the case for parliamentary engagement has only become stronger. While some of the rules within that Policy need to be reviewed to remove bottlenecks they presented for parliamentary engagement, clearly there is more to the still ad hoc engagement of parliaments in OGP than the rules. The types of guidance and communication activities, and types of support that need to accompany the revised Policy, is another area that the Review needs to address.
- 5. Beyond the review, additional data collection and research can help us better understand what we know and learn what we don't yet know.** This will help inform more strategic and sustainable engagement of parliaments. Key pieces here would include tracking the role of parliament in co-creating and implementing OGP commitments; building a better understanding of oversight in government and parliament, and what OGP commitments in support of such oversight should look like; and (more broadly, and already underway) trace the provenance of OGP commitments.