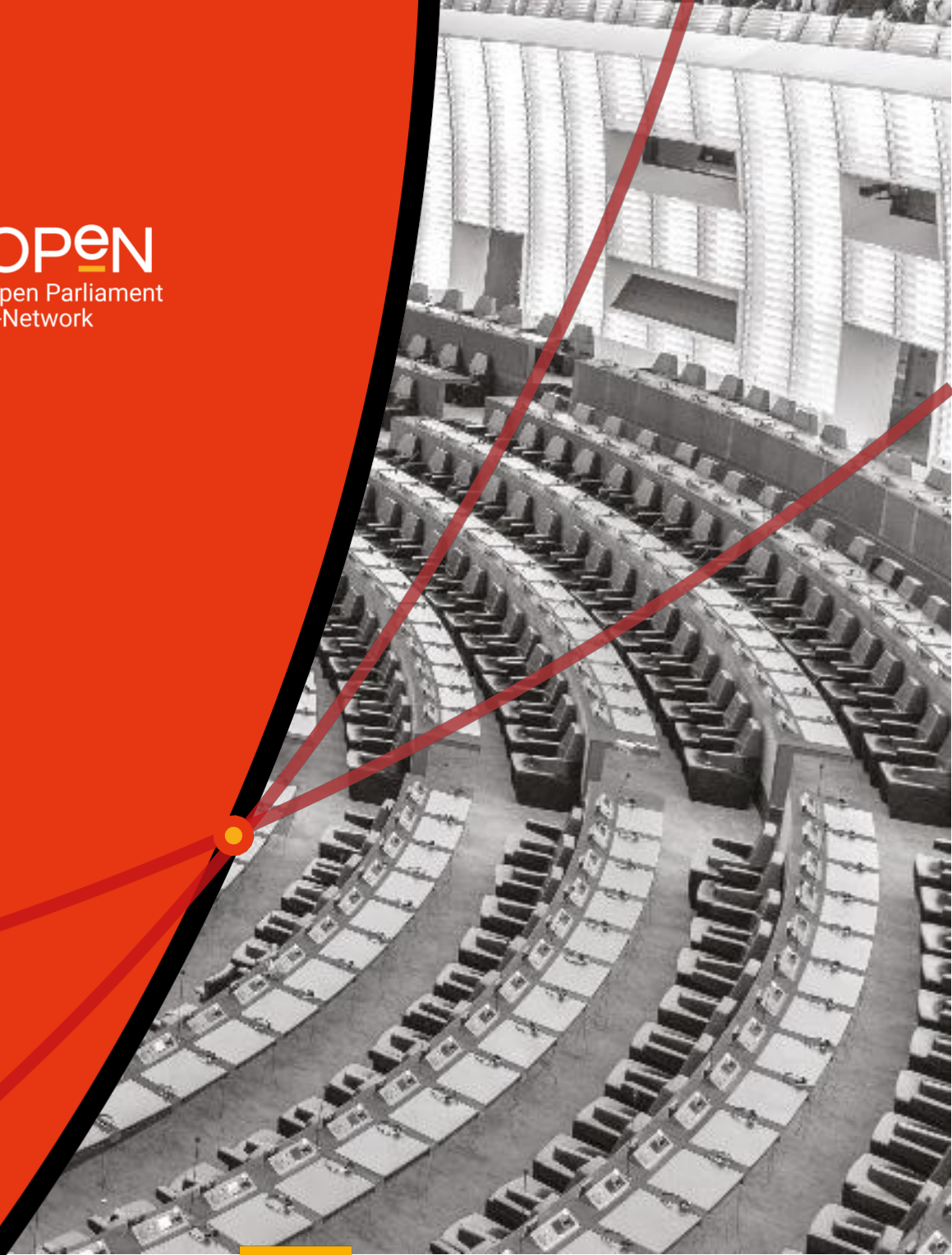OPEN
Open Parliament
e-Network

# Parliaments Advancing Openness:

Insights from Mexico, Tunisia and Kyrgyzstan

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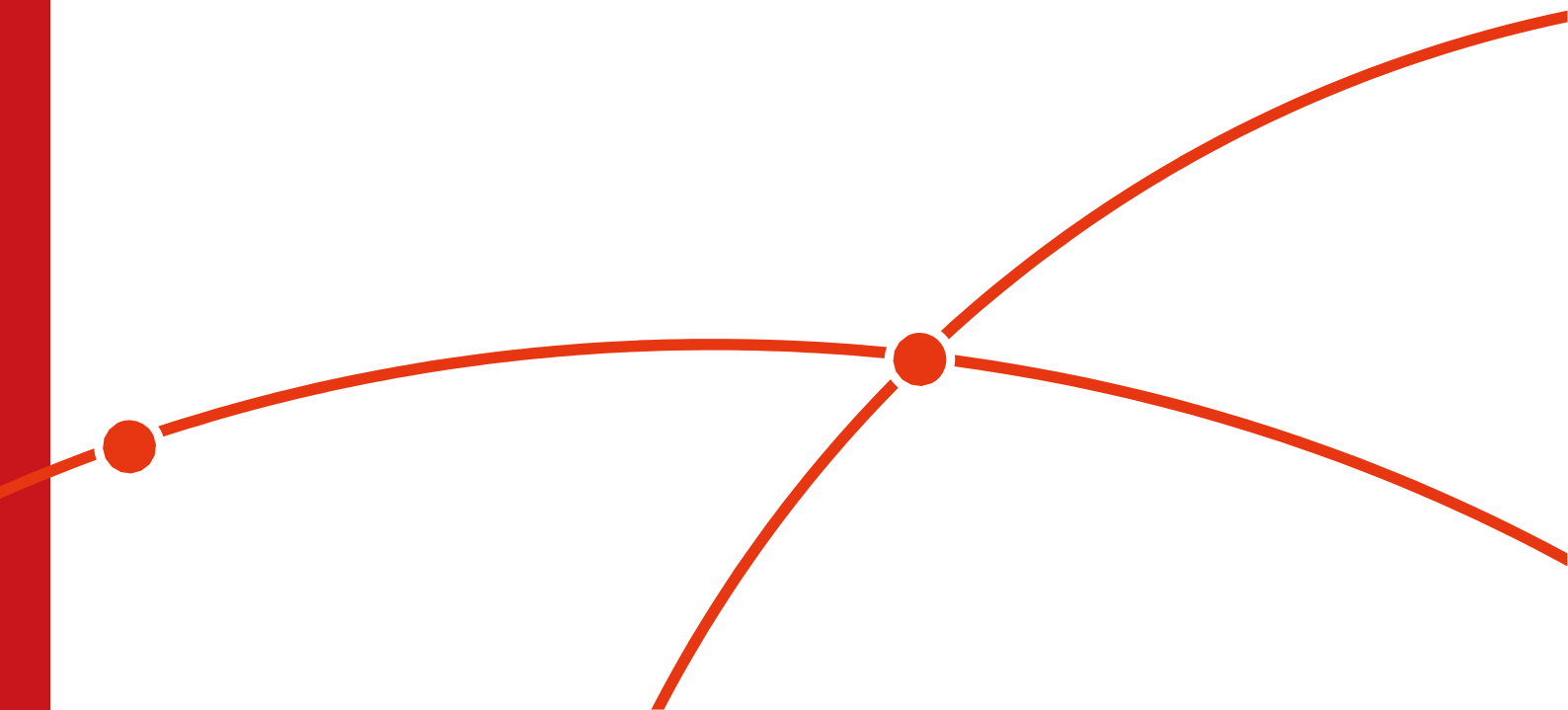
# SUMMARY

Parliaments have an important role to play in advancing the open government agenda. They can contribute to openness in different ways, with each entailing its own dynamics, rewards and obstacles. To support parliaments as drivers of transparency, we need a better understanding of these variables and of how to adapt our strategies in diverse contexts.

This tool offers insights and guidance based on a project run in Mexico, Tunisia and Kyrgyzstan, which sought to strengthen the participation of parliaments in the framework of the Open Government Partnership (OGP). It has been produced by the Open Parliament e-Network (OPeN)[1] with support from the OGP Multi-donor Trust Fund, managed by the World Bank. The resource will be useful to anyone with an interest in deepening the contribution of legislatures to openness, including parliamentarians and civil society organisations.

The tool begins with a summary of how parliaments can engage. There is a focus on 'open parliament', and on legislatures acting as enablers for wider executive-led reforms. Key lessons are surfaced from OPeN's work in the three countries. In spite of the political unrest in Kyrgyzstan and, especially, Tunisia at the time, and notwithstanding the impact of the pandemic, the recommendations we make on the basis of what we learnt could guide similar transparency efforts by parliaments elsewhere, including in more stable environments.

Circumstances often shift when supporting parliaments around openness. Interventions may need to be fine-tuned or re-thought entirely. We discuss some well evaluated ideas for sustaining momentum when political conditions turn, emphasising the value of peer-based training and exchange.

Where openness efforts falter or prove hard to initiate, parliaments could pivot to one (or a few) policy areas that are of concern to the public, and that depend on legislative action for their implementation. The tool explains how by tethering their goals on transparency to particular higher visibility themes, parliaments may achieve more, while at the same time percolating openness principles through society.

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OPeN is made up of Directorio Legislativo, the Latin American Legislative Transparency Network, the National Democratic Institute, the OSCE Office for Democratic Institutions and Human Rights, ParlAmericas, and the Westminster Foundation for Democracy.

# INTRODUCTION

Parliaments the world over can valuably advance the open government agenda. Many of them are doing so by making their work and practices more transparent, participative and inclusive or by passing laws in support of government driven reforms. Argentina, for example, has opened up information on the asset disclosures of MPs. Nigerian legislators recently approved provisions to support implementation of their government's commitments on Beneficial Ownership.

There is still room for improvement. More parliaments can be supported to embrace openness – and more substantially. There is a particular need for legislatures to (firmly) commit to overseeing their governments, and to contribute more actively to wider open government processes notably in the framework of OGP.

For the latter, parliaments must become involved in national OGP initiatives right from the start, and continue to engage thereafter to ensure there is sustained understanding and support for actions that depend on legislative backing for implementation. Legislatures are increasingly serving such an enabling function for open government – a welcome trend given how transformative commitments often depend on ratification. This contribution needs deepening, however.

As OGP enters its second decade, harnessing parliaments as levers for transparency demands we know where the various opportunities and roadblocks lie. This tool pulls together lessons from recent programming in Mexico, Tunisia and Kyrgyzstan undertaken by the Open Parliament e-Network (OPeN). In so doing, it builds on an earlier OPeN knowledge product concerning the same project, published in 2020.

The delivery of the program in the three countries was hampered, and sometimes helped, by marked shifts in political conditions and circumstances. Here we explore the different ways in which we negotiated those challenges to shore up momentum – whether through peer exchanges to offset lost (or nurture fresh) champions, novel action-forcing strategies, or by homing in on particular policy areas in an attempt to attract new stakeholders.

# Part I: Parliamentary engagement in open government

## 1.1 Options and considerations

Parliaments can contribute to open government in different ways. They can advance legislative openness, i.e., open parliament. Here, as stated in the recent OGP memorandum on parliamentary engagement, one of the mechanisms available to parliaments is to produce their own parliamentary chapters through co-creation with civil society.

If the country is participating in the OGP, these chapters can be incorporated in the OGP Action Plan (AP); and/ or parliaments can adopt one or more individual commitments that are directly included in the AP. Parliaments in countries that are not participating in OGP can also develop parliamentary plans or chapters. In that case, they are advised to follow the same steps and standards as established by OGP its updated guidelines for parliaments.

*OGP is a broad partnership that includes members at the national and local level and thousands of civil society organisations. Through the Partnership, these powerful forces work together to co-create two-year action plans with concrete steps – commitments – across a broad range of issues.*

In the early years of OGP, very few parliaments were engaged. However, parliaments have since emerged as important allies to the Partnership. Several legislatures have aligned with the OGP agenda in recent years, including by collaborating with civil society organisations to co-create open parliament commitments and chapters. Parliaments can also look to influence openness reforms that are being advanced by governments. This may tie in with the commitments of their open parliament chapter,

should they have one. Parliaments can contribute to this broader agenda in several ways, with some examples provided below.

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

- Lending political support to open government initiatives.

- Improving implementation through parliamentary action, overseeing OGP delivery and by publicly holding governments to account.

- Promoting sustainable open government reforms by building political traction acrossparty lines and electoral cycles.

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

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

- Contributing to secure resources for opengovernment reforms in budget debates.

Open parliament takes many forms. At its core, it is about strengthening the relationship between the legislature and citizens. This can be achieved by creating opportunities for the public to learn about, actively contribute to, influence, and be able to track the work and practices of parliaments. Open parliament contributes to reforms that speak directly to the public, reinforcing the trust relationship with citizens. This in turn can improve overall public policy, aligning lawmaking and the overall 'political delivery' with public demands.

## CORE PILLARS OF PARLIAMENTARY OPENNESS

### Transparency and Access to Information

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

### Accountability

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

### Citizen Participation

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

### Ethics and Probity

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

Open parliament, much like open government, hinges on collaboration and co-creation with civil society. Open parliament commitments, which must be co-created between parliaments and civil society, should reflect one or more of the core tenets listed opposite. Some examples of commitments are provided below.

- **Improving public access to information about the work and practices of parliament.** This may relate to budgeting and expenses to account for the use of public funds, or more law-oriented data such as records of committee meetings and proceedings,

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

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

- **Creating mechanisms to allow for public oversight of the legislature** (Examples include Kyrgyzstan, Kenya and Liberia).

## 1.2 Examples of engagement

The table below provides examples of open parliament plans (OPPs) from different countries.

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

## 1.3 Contributions outside the OGP framework

Parliaments in countries that do not participate in OGP can still develop their own open parliament commitments and plans. Kosovo has done so through its Action Plan for an Open and Transparent Assembly 2016–2020. The plan was prepared by a Parliamentary Transparency Forum, established by the Assembly Presidency. The Forum was supported at the time by the National Democratic Institute, such as through lesson-sharing activities with Ukraine and Georgia. Broadly, Kosovo's plan aligned with the principles of the OGP.

**Taiwan**, similarly not a member of OGP, published an open parliament plan in 2021. The drafting process began in May 2020 following a joint announcement from the Legislative Yuan and civil society organisations. Overseen by an Open Parliament Multi-Stakeholder Forum – seven Legislative Yuan members and 17 legal and natural persons from civil society – the plan focused on selected core themes, including transparency, openness, participation, digitization, and literacy.

Thus, Taiwan's open parliament plan, officially launched on March 9, 2021, was forged from significant civil society input. This translated to key commitments on, in particular, access to information. However, some saw opportunities for wider engagement in the process as too limited, with the public given only 12 and 10 days respectively to review the plan's first and final drafts.

## Part II: Experiences in Mexico, Tunisia and Kyrgyzstan

A number of factors influence progress when supporting parliaments to advance openness. Legislative turnover can sap or boost appetite for reforms, subtly or dramatically. Political volatility of any kind, especially to the degree witnessed in Kyrgyzstan and Tunisia, can alter prospects altogether. Making headway on openness also relies on certain 'foundational elements' of success:

- Having in place a well-equipped, representative civil society that is willing and capable of engaging and supporting their legislature to contribute to the open government agenda.

- A parliamentary engagement strategy that,in turn, leverages this civic interest and capacity to ensure meaningful civil society input for the design, implementation and oversight of open parliament commitments.

- Parliamentary bodies tasked and resourced to facilitate and lead the openness process, which are ideally formal and permanent in nature and well-coordinated.

- Links to the OGP Support Unit (if working in the framework of OGP) which can offer specialist advice through its country representatives.

Just as the parliamentary and political landscape shifts with time, so strategies for supporting legislatures on openness may need fine-tuning or deeper revision to cater for fresh developments. In the next section we look at what we discovered in this respect from our work in the target countries.

## 2.1 Adapting to change, seizing new opportunities

In both Tunisia and Kyrgyzstan progress was held back by a lack of certainty over the future of the legislature. In Kyrgyzstan, public trust in the parliament had dropped sharply amid a political crisis. We thus sought to convince its freshly elected MPs of the value of transparency for restoring legitimacy. However, engaging with legislators in a climate of tense partisan rivalry carried the risk of our work becoming politicised.

We turned instead to a set of actors based outside the country: international experts on transparency, entirely detached from the Kyrgyz domestic scene. A video was curated of interviews held with these experts. This neatly communicated the importance of openness and citizen engagement and the role of parliament as part of the solution to the ongoing crisis. The video was shared with the Kyrgyz MPs, building some important cross-party awareness.

We then provided follow-up training. This was a modular e-course focused specifically on Environmental Openness. The course was combined with workshops, and also aimed at CSOs. The training succeeded in developing consensus around priorities and next steps.

Supporting legislatures to tie their openness efforts to one or a few policy areas that cut through to citizens – such as the environment – can make sense, especially where 'standard' approaches to promoting transparency (ones that are less, if at all, targeted at specific themes) prove hard to initiate or sustain. Such a narrower focus can make the process less reliant on the usual suspects of 'transparency champions'. Rather, additional actors can be drawn in including MPs and CSOs who are invested in the particular theme, while not necessarily being bought into openness per se.

If parliaments go down this route, the theme(s) they select must, perhaps needless to say, require legislative actions for their implementation. Environmental Openness could fit the bill given countries' common regulatory gaps in delivering on climate frameworks. Furthermore, this topic straddles such public and policy priorities as access to environmental data, participation on climate policy and the protection of climate activists. Alternative topics parliaments could turn to include Anti-corruption, Beneficial Ownership, Civic Space or Gender.

As discussed, the success of any openness initiative hinges on civil society being able to meaningfully collaborate with parliament. That may require capacity building for CSOs (of the kind you can read more about in this OPeN resource). In Kyrgyzstan, we actually went a step further: attempting to position the CSOs as 'alternative reporters' of their legislature's implementation of existing commitments. Equipping CSOs with the skills to oversee implementation, which they then get to hone experientially, can bring permanancy to their involvement in the process, ensuring it is not limited to initial co-creation.

Parliaments benefit from this, too. An independent and publicly trusted evaluation can help steer the legislature while conferring legitimacy. It would be of particular value where open parliament/ government initiatives occur independently of OGP and so outside the remit of its IRM. Impartial CSO assessments can likewise be useful where, as things stand, open parliament commitments are added to the government action plans as amendments and so are not subject to IRM oversight.

In terms of the profile of the CSOs working with the parliaments, certain gaps were noted. The groups were overwhelmingly made up of 'monitoring' or 'pro-democracy' organisations. And all but very few of them hailed from the countries' capitals or central regions. That is, remotely based CSOs were largely absent, as were organisations that conducted legislative advocacy on other issues not directly linked to transparency. Both constituents would have enriched and benefited from involvement.

Correcting such imbalances requires proactive outreach informed by rigorous stakeholder mapping. Sometimes already engaged CSOs can lend a hand. In Tunisia, participating groups successfully used their networks and tapped public trust in their organisations to engage and appeal to a wider set of actors.

A potentially useful tactic for widening the appeal of openness is to frame it around topics that citizens and politicians care about, then work to attract the different stakeholders invested in those agendas.

In tense political environments, leveraging outside experts – impartial 'voices from the outside' – may lend credibility and resound with MPs from all sides.

Positioning civil society actors as Alternative Reporters can be rewarding; CSOs become permanently involved in the process, assuming key responsibilities and protagonism.

Too often, civic input is limited to only centrally based pro-transparency groups. Actors from other realms and locations need to be involved – including CSOs that are undertaking legislative advocacy not directly related to transparency or accountability.

## 2.2  Peer-based learning and exchanges

Conditions for advancing openness in Mexico were a lot less volatile than in the other two countries. Yet political will there ebbed and flowed all the same, demanding nimble responses.

Because of the comings and (especially) goings of parliamentary allies during the project, and with this coinciding with the most disruptive phase of the pandemic, retaining institutional knowledge became key. OPeN has shown that activities facilitating knowledge transfer among peers can help compensate for expertise that is lost amid turnover. With this in mind, we ran a high-profile webinar aimed mostly at Mexican legislators, but that was also vibrantly fed into to by parliaments from other countries.

We followed this up with an exchange event convening MPs and staffers from Mexico, Spain and Panama. This was partly centered on discussing the challenges and rewards of engaging youth and other minorities in openness. To this end, it featured a young Panamanian who recounted her experience of co-creating commitments with her parliament and her hopes and expectations for the future.

Out of those taking part in the webinar, over 95% described it as "very useful in generating knowledge". Meanwhile, the exchange yielded rich insights into how openness works in practice, with the more seasoned participants describing its demands and rewards to the less experienced participants. This likely benefited the former as well, lending them a platform to showcase their achievements (which can consollidate and spur progress) along with useful outside viewpoints and new contacts.

Other MPs to have swapped lessons around openness report similar gains. Georgia's legislature puts many of its advances in transparency down to guidance and inspiration drawn from Chile. Georgia has itself worked to pass on learning to other parliaments including those of Sierra Leone, Morocco and indeed Kyrgyzstan.

Parliaments can draw further from the experiences of peers at the annual OGP summits and the *Global Legislative Openness Week*. The Mexican Senate presented its experiences at the latter in 2020, joined by a multinational cast of MPs sharing stories of institutional opening.

Mexico's is an example of a national parliament that is pursuing openness outside the OGP framework. As part of this, its Senate has entered into an agreement with the National Autonomous University of Mexico in order to promote 'the provision of advice on transparency' and the 'professionalisation of public servants'. A commission in Congress has been established to support this work and to monitor and report on legislative transparency.

Engaging with openness initiatives that are independent of OGP can be useful, not least in encouraging and guiding their alignment with the Partnership's principles and standards. This is the spirit in which we worked in Mexico. There we met on a number of occasions with the new commission and the university, offering advice and resources including guidance materials stressing key considerations and good practices.

## TAKEAWAYS

- Activities that enable peers to share lessons and showcase achievements can add value. Parliamentarians (and CSOs) frequently cite such exchanges as conducive to kickstarting or consolidating progress.

- Where parliaments are advancing openness outside the OGP framework, engaging with them can be worthwhile; they can then be aided as alternative paths to reform, as closely aligned as possible with the principles of OGP.

## Part III: Bottlenecks and solutions: a case for theme-specific openness?

Parliaments across the world are valuably doing their bit for the open government agenda. Yet this contribution needs deepening. More legislatures should be supported to embrace transparency and, as important as 'opening up' internal and lawmaking processes is, parliaments should be encouraged to complement this in committing to robust government oversight, and by becoming actively engaged in wider executive-led reform initiatives.

Crucial to the latter is that parliaments get involved as early as possible in OGP national processes, and continue to exert influence thereafter. In the conext of OGP, a space for them to participate is the Multi-Stakeholder Forum (which each member country of OGP is obliged to establish). However, working through the MSF presents certain risks. We summarise them next, with suggested mitigations.

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

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

- **RISK:** parliaments **choose not to engage with the MSF,** possibly because parliamentary tradition does not align with parliamentarians participating in working groups together with executive branch officials.

- **SOLUTION:** a mid-way approach could work here, where one or more parliamentarians areassigned to the MSF but participate only in itshigher-level discussions, which also includes senior officials, perhaps once or twice a year, with the remainder of the meetings attended by a parliamentary official.

- **RISK:** concerns over the **separation of powers.**

- **SOLUTION:** an alternative to direct parliamentary engagement in the MSF may be to engage CSO forum members instead. In other words, it may be possible – as was the case in this project - to leverage one or more CSOs on the MSF as a bridge to the executive on wider open government, at least until such time the parliament secures its own seat on the MSF.

# 3.1 Closing remarks

On open parliament, it is difficult to make blanket recommendations on how to effectively co-create and take forward transformative commitments. Instead, guidance needs to be tailored to where parliaments 'are at' in the process – which varies not just between different legislatures but for the same parliament over time[2].

For any legislature that is new to openness or where there is a need to rebuild understanding, focusing on the basics of what success looks like and explaining the benefits of transparency to the parliaments themselves, is a good starting point. As we have seen, peer-led training and international knowledge transfer can help with this. Caution should be exercised, however, to prevent misunderstandings putting openness on the wrong track: to commitments that do not reflect OGP's priorities, or that are unambitious, or only weakly rooted in co-creation.

Once this groundwork has been (re)laid, training can be conducted on more technical and process related matters. Different tools and formats can be used (and can be used generally for training and awareness-raising). The methods applied in the featured OPeN project ranged from e-courses and webinars to informational videos and online training workshops.

For legislatures with a background in openness, support could focus on raising ambition and pulling in new stakeholders. Encouraging parliaments to centre on one or a few 'cut-through' issues may catch the eye of further MPs and CSOs and resonate with citizens. At a minimum, it could be a fallback option where less thematically targeted openness drives come unstuck. Furthermore, focusing on particular higher visibility issues responds to the need for applying openness principles when dealing with topics of concern to citizens, and for percolating those principles through society.

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2| It was partly to help make open parliament processes more resilient to changing circumstances that an earlier OPeN knowledge product for this project advised on sustaining momentum in times of transition.

If parliaments opt for this, the policy area(s) they select must require legislative action for their implementation. They should also preferably intersect with OGP priorities. Themes that potentially satisfy these conditions include Civic Space, the Sustainable Development Goals, Gender Equality, Anti-corruption, Beneficial Ownership transparency, and Climate Change.

## Climate change as a 'hook' for ambitious openness

There are several ways and reasons for leveraging the climate emergency as a means to promote legislative openness. For a start, there is generally a high or at least growing degree of public and political investment in the issue. There is also ever-increasing recognition that the main obstacles on climate action are not gaps in technology or scientific knowledge but rather political blockages and governance failures – and that embedding transparency and participation within climate action, from policy-making to implementation, is critical for countries to respond ambitiously and in ways that are politically feasible.

Parliamentary support around climate change ties in with 'environmental democracy'. This in turn covers 'environmental openness' which refers to the rights of access to environmental information and public participation in environmental decision-making. Since these issues are of clear relevance to OGP, commitments on environmental openness can meet eligibility criteria for OGP action planning.

Environmental openness lies at the heart of frameworks such as the Paris Agreement, Aarhus Convention and Escazú Agreement. Yet it is being poorly enforced. Parliaments, therefore, have a chance to act as drivers of climate actions – such as by enacting net zero legislation or creating innovative scrutiny mechanisms on climate related implementation.

Finally, in terms of wider parliamentary engagement in OGP, we recommend further steps to build understanding within legislatures of governments' openness plans and commitments and of how to effectively contribute to executive-led processes. At present, where implementation of open government commitments relies on legislative action, this may not be presented or understood to be in the context of the government's OGP reforms, which can cause delays or insufficient support for ratification.

That being said, awareness-raising for parliaments is unlikely to fully pay off unless governments themselves gain a better understanding of how legislatures can support them – indeed, of how they rely on them – in pushing through key reforms.

Legislatures and governments might benefit from seeing how cross-branch collaboration has unfolded elsewhere, including within the MSFs. Here, the importance of securing a balanced mix and level of input from both legislative and parliamentary staff should be emphasised, given how this links to success (fewer risks, better results).

Other means for parliaments to involve their executives may be explored. For example, committee meetings or hearings can be arranged to which government representatives are invited to share updates on their OGP progress and explain their challenges and needs.

Finally, exemplary commitments adopted in other countries could offer a blueprint and source of motivation for legislatures who are new to transparency. Lawmakers may be introduced to such commitments and assisted to replicate or adapt them in their own jurisdictions. Georgia's 2017 Open Parliament Plan could be a reference, with its commitment to "strengthen the supervising function of the Parliament and improve coordination between different branches of the government within the framework of the Open Government Partnership".