



OGP Networking Mechanism-Webinar Series

Introducing the Legislative Openness Working Group (LOWG)

Tuesday, September 10, 2013
09:00-10:30 AM EST (13:00 GMT)



Juan Pablo Olmedo

Scott Hubli

Daniel Swislow

Outline of webinar

- Global Civic Advocacy on Legislative Openness:
Update from Openingparliament.org
Scott Hubli, NDI
- Parliamentary Efforts to Advance Legislative Openness:
Update from Chile's Bilateral Commission on Legislative
Transparency
Juan Pablo Olmedo, Chilean Congress
- The Legislative Openness Working Group and Plans for
the OGP Summit
Dan Swislow, NDI



Global Civic Advocacy on Legislative Openness: Update from OpeningParliament.org

Scott Hubli
National Democratic Institute



OGP Legislative Openness Working Group

Why legislative openness?

- Parliaments have a constitutional role to play in helping to ensure open government, through legislation, oversight and their role in the budget process.
- OGP should also address opening the political process that affects government decision-making.
- Political intermediary institutions that aggregate social interests have an important role to play in governance. This includes both civil society, which are already deeply engaged in OGP, and members of parliament who are elected to represent citizens.



Initial efforts at coordinating global advocacy

- CSO cooperation on issues of parliamentary openness at the global level gained momentum at a May 2012 conference of parliamentary monitoring organizations (PMOs).
- Conference organized by NDI, Sunlight Foundation and the Latin American Network on Legislative Transparency.
- Led to OpeningParliament.org and the crowdsourcing of the Declaration on Parliamentary Openness from PMOs.



Origins of the Declaration

- The Declaration draws on international norms and standards, including CPA benchmarks, and documents like the IPU Guidelines for Parliamentary Websites.
- Intended as a “roadmap” for parliaments seeking to become more open, the declaration was crowdsourced from within the PMO community, using the PublicMarkup.org platform.
- For more information and commentary, see OpeningParliament.org. Currently available in 17 languages.



...in 75 countries



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Available in almost 20 languages

العربية

Bosanski/Hrvatskom/
Srpski

Čeština

français

Ελληνικά

Crnogorski jezik

हिंदी

Deutsch

język polski

русский язык

español

Lietuviškai

دري

português

українська мова

한국어

English

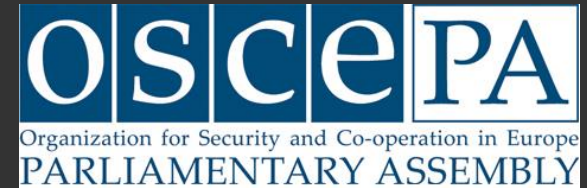


Parliamentary support for Declaration

- “What we decide as parliamentarians or government officials is never easy, for we as elected officials represent diverse interests, but how we should deliberate on these public policy questions is always easy: openly and transparently. That is why the OSCE Parliamentary Assembly has become the first international institution to endorse the Declaration on Parliamentary Openness.”

Ranko Krivokapic, President, OSCE PA

(Note: 57 countries participate in the OSCE PA)



Parliamentary support for Declaration

- Recent Working Group at the CPA Meeting in Johannesburg, endorsed the following recommendation on September 4, 2013: “The Commonwealth Parliamentary Association endorses the principles of the Declaration on Parliamentary Openness and should develop recommended benchmarks for democratic parliamentary conduct.” (Note: There are 54 countries that participate in the CPA.)
- Presented at 127th IPU Assembly and Related Meetings in Québec City from October 21 to 26, 2012.



Contents

Four main sections:

- Promoting a Culture of Openness;
- Making Parliamentary Information Transparent;
- Easing Access to Parliamentary Information; and
- Enabling Electronic Communication of Parliamentary Information (Open data principles).



Pause for questions



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Parliamentary Efforts to Advance Legislative Openness: Update on Chile's Bilateral Commission on Legislative Transparency

Juan Pablo Olmedo

Bicameral Commission on Transparency of the Chilean Congress



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Birth of the idea

International Seminar on Transparency and Probity Santiago, January 2012

“To regain public confidence in parliamentary institutions the congresses must improve their standards of transparency, probity and openness to the public, and implement mechanisms to strengthen the efficiency and the levels of public accountability of those who hold elected positions”

- The Santiago Declaration was signed.
- The Latin American Parliamentary Network Pro Transparency, Access to Public Information and Probity was created.
- Transparency, accessibility and parliamentary integrity are key factors in the fight against corruption and strengthening governance.
- This group was created considering the importance of citizen participation and the need of a legal framework to prevent, detect and punish corrupt practices effectively. Identifies the importance of accountability as a principle within the parliamentary work and that MPs are required to inform, justify and publicly report the results of their actions.



Goals of the network

- Ensure that democratic institutions are transparent and reflect the highest ethical standards.
- Support the fight against corruption by taking the necessary legislative measures so that each parliament can develop international commitments, reinforce their internal ethical standards especially regarding conflicts of interest, declaration of assets, bribery, management of public funding and electoral finance.
- Encourage and support citizens' access to public information.
- Generate ethics committees regulatory mechanisms, looking to the establishment of an effective internal parliamentary authority able to advise, investigate and punish any act against the law.
- Create and publicize standards for the active involvement of citizens on the oversight of the parliamentary work.
- Increase the exchange of knowledge and the development of a legal framework for public accountability.



Actions of the Chilean Congress as a result

- Senator Hernán Larraín was elected President of the Latin American Parliamentary Network Pro Transparency, Access to Public Information and Probity.
- Creation of the Bicameral Commission for Transparency, formed by members of both the Senate and House of Representatives.
- The next step for the network was to request its inclusion of a line of work for the Congresses, National of Legislative Assemblies and the political party system as part of the Open Government Partnership (OGP).
- Senator Hernán Larraín issued this request in January 2013 during the Regional Meeting of the Open Government Partnership.



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Approaching the goal

- Resolved to report to the OGP Steering Committee the interest of developing an institutional dialogue on Open Parliament
- Desired to spread the initiative to the regional and international community through institutional networks of parliamentarians
- Promote the " Santiago Declaration " as a legally binding instrument of representative democracy that obeys the Inter-American Legal System and promote its ratification by the parliaments of the region
- Agree to priority areas of interest and shared existing legislation for the creation of international standards on Open Parliament

Regional Meeting
of the Open
Government
Partnership
Santiago, January 2013



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Moving from a global cause to a local effort

- If Chile was the voice for the new Legislative Openness Working Group, it needed to act by the example.
- So far the Congress has done several efforts to improve public transparency and accountability but the challenges of this changing field require always new commitments and ideas to extend public awareness and better understanding of what transparency means in the parliamentary work.
- As part of the initial request to OGP for the creation of the LOWG, the Chilean Government together with the Congress established the need to move forward the creation of a Parliamentary Action Plan.
- This plan should be submitted at the OGP Annual Summit in October 2013.



Commitments of the Chilean Congress

Regulatory Changes

- Set of legal amendments to the internal procedural laws of the Congress to describe clearly the situations in which an elected member should recall itself due to a conflict of interest on the voting of a law, and the particular requisites that each legislator should comply if he/she want to hire external services to support his work.
- Creation of an internal support unit, under the oversight of the Secretary-General of each corporation, in order to assist any congressmen when fulfilling their declaration of interest, creating a trust or generating an external asset management mandate, keeping a record of legislators advisors, their declarations of interest and publicize training opportunities associated with their ethics and transparency obligations.
- Development of the regulatory framework to allow a prompt enactment of the Chilean Lobby Law (still under drafting by the Executive), in order to instruct every parliamentarian, senior official and senior advisor of the Congress about its obligations regarding the registry of their public agenda (public hearings, sponsored travel and general donations).



Commitments of the Chilean Congress

Practical Changes

- Creation of an Induction Kit on transparency, accountability and probity to be distributed to the new members and their teams and sent electronically to all congressmen.
- As part of the MoU signed with UNDP (19-08-2013) analyse and develop new regulatory framework on ethics, transparency and probity Congress, which will encourage and disseminate good practices that support the strengthening an ethical work conscience within the Congress.



Commitments of the Chilean Congress

Web Access

- Development of institutional guides to standardize the content of the official websites of the Senate, the House of Representatives, the Library of Congress, and the personal electronic sites of each congressmen and commission. Additionally, all sites will include a more extensive and complete set of data regarding voting records, parliamentary assistance to Congress and legislation drafting.
- After a consultation process with civil society, the Congress will proceed to make the necessary changes to structure and integrate the missing information in terms of transparency and accountability at their different institutional sites.
- Creation of a Global Site on Transparency Activities of the National Congress. This site will include links to every mayor entity and person involved on the Transparency work of the Parliament. Additionally the site will include links to mayor local and international NGO's and international organizations associated with the Transparency agenda to allow the public increase its global awareness on different transparency issues.



Commitments of the Chilean Congress

Citizen Participation

- Generation of an updated publication on Public Transparency Regulation of the National Congress for public consumption, to allow regular citizens to understand the different policies of active transparency and the procedures for requesting information. Additionally this general regulation will allow to harmonize the existing regulations of the House and Senate.
- Any new information or updates over procedures or policies affecting the Transparency Laws will be notified by means of a press release or highlighted in the institutional Web site.
- Development of the popular legislative initiative in order to increase participatory democracy. This process will include a comparative case study and a set of constitutional changes in order to allow private citizens create their own law initiatives. On tis first stage this project will include a public platform in order to promote citizen participation in legislative work.



Pause for questions



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The Legislative Openness Working Group: Plans for the OGP Annual Summit and Beyond

Dan Swislow
National Democratic Institute



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Objectives of the Legislative Openness Working Group

- Help countries create more ambitious Action Plan commitments.
- Facilitate peer-to-peer learning, sharing and support.
- Develop shared tools and resources.
- Explore technical assistance and partnership opportunities between governments, parliaments and civil society.
- Broaden the focus of OGP to include the legislative process.



OGP Legislative Openness Working Group

Coordinators



- Bicameral Commission on Transparency of the Chilean Congress



- Ministry Secretary-General of the Presidency of Chile



- National Democratic Institute



OGP Countries that have expressed interest in participating

(as of September 10, 2013)

Albania

Armenia

Chile

Colombia

Costa Rica

Croatia

Dominican Republic

Estonia

Finland

Georgia

Honduras

Indonesia

Italy

Jordan

Mexico

Moldova

Mongolia

Paraguay

Serbia

UK

Uruguay

USA



OGP Legislative Openness Working Group

Composition

- Executive branch representatives
- Parliamentary/legislative leadership (members or nonpartisan staff)
- Representatives from civil society
- International institutions/organizations



OGP Annual Summit

- Civil Society-Led Sessions on Legislative Openness
(tentatively the morning of October 30)
- “Business Meeting” of the Working Group
(tentatively the afternoon of October 30)
- Official Launch Event for the Working Group
(either October 31 or November 1)



Possible Topics for the Working Group

- Enhancing citizen engagement on legislation through online platforms
- Collecting information on laws and rules governing public consultations on draft legislation
- Engaging citizens through greater openness of legislative data
- Enabling citizen participation through petitions or similar mechanisms
- Sharing information on asset declarations and other methods to ensure parliamentary integrity



Transparency and Accountability Initiative

Guide on Legislative Openness

Steps	Illustrative Commitments	Illustrative Recommendations
INITIAL STEPS (Establish basic rights, publish information but with no active outreach, meet international MINIMUM standards, rather than meet more aspirational frameworks)	1.1 Define clear, transparent rules on parliamentary openness and develop basic administrative and technical capacity to implement them.	<p>Conduct an assessment of parliament's information architecture and the flow of parliamentary information, including how this information is used by citizens, civil society and other stakeholders.</p> <p>Develop a roadmap for enhancing public access to parliamentary information and opportunities for citizen engagement.</p> <p>Foster opportunities for citizens and citizen-based groups to provide input into the process for developing rules.</p> <p>Consult international standards and best practices.</p>
	1.2 Develop a basic parliamentary website that proactively publishes information about parliament's roles, functions and work.	<p>Ensure that all basic types of parliamentary information are available to citizens, including:</p> <ul style="list-style-type: none"> — proposed and actual legislation — agendas and voting records — basic information about members and staff — basic information about the parliament and parliamentary procedures <p>Ensure that parliamentary information meets basic quality requirements, including:</p> <ul style="list-style-type: none"> — Accuracy — Timeliness — Completeness — Availability, free of charge
	1.3 Meet international norms and minimum standards with respect to citizen engagement and public outreach.	<p>Hold public committee hearings to enable citizens to learn about and participate in the legislative and oversight process.</p> <p>Provide basic support for constituency relations efforts of MPs.</p>
	1.4 Enact framework legislation for a culture of government openness and conduct basic oversight on this legislation.	<p>Ensure that there is a basic legal framework to ensure government transparency and openness and an independent civil society.</p> <p>Conduct basic oversight of government openness, including oversight of a right to information regime and any restrictions on basic protections for civil society.</p>
	1.5 Adopt basic legal and regulatory framework to ensure parliamentary integrity.	<p>Implement a basic parliamentary ethics regime, including an ethics committee and ethics regulations.</p> <p>Install regulations for disclosure of member assets, expenses and non-parliamentary income.</p>
MORE SUBSTANTIAL	2.1 Increase the accessibility, understandability and distribution of parliamentary information.	<p>Provide educational and other contextual data.</p> <p>Provide plain language resources.</p>
	2.2 Publish parliamentary information in open formats, such as structured XML, so that it can be read and processed by computers.	<p>Consider Atom, RSS.</p> <p>Provide bulk download and API access.</p>
	2.3 Make parliamentary information accessible through multiple channels, such as radio, television and Internet streaming.	<p>Facilitate media coverage by providing press facilities, parliamentary recording studios or a parliamentary channel.</p> <p>Provide live and on-demand streaming, as well as timely transcription of plenary debates.</p> <p>Create a Parliamentary Information or Visitor's Center.</p>



Contact information

Scott Hubli, Director Governance Programs
National Democratic Institute
shubli@ndi.org
@ndigov

Dan Swislow, Lead on OGP Working Group
National Democratic Institute
dswislow@ndi.org
@danswislow

Juan Pablo Olmedo, Chief Advisor
Bicameral Commission on Transparency of the Chilean Congress
jpolmedo@oej.cl

Abhinav Bahl, Director
Global Integrity/OGP Networking Mechanism
abhinav.bahl@globalintegrity.org



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