

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

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OGP Legislative Openness Working Group

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.



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.



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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.

