



MZALENDO

Our Houses of Parliament: How Open are they?



**An assessment of the status of the
National Parliaments of the East African
Community (EAC) Member Countries**

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List of Acronyms

API	African Parliamentary Index
APMON	Africa Parliamentary Monitoring Organizations Network
APPN	Africa Parliamentary Press Network
APSP	Africa Parliamentary Strengthening Program
CDD-Ghana	Centre for Democratic Development-Ghana
CSOs	Civil Society Organizations
DRC	Democratic Republic of Congo
EAC	East African Community
EA-OPI	East African Open Parliament Index
GOPAC	Global Organization of Parliamentarians against Corruption
NAP	National Action Plan
NDI	National Democratic Institute
OGP	Open Governance Plans
OPI	Open Parliament Index
OPP	Open Parliament Plan
PMOs	Parliamentary Monitoring Organizations
PNAfrica	Parliamentary Network Africa
TI	Transparency International

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Executive Summary

Open Parliaments are those whose transparency, accountability to the public and citizen participation are robust and widespread enough as to allow the people to access, meaningfully participate in and positively influence the work of Parliament. To this end, the following four pillars are central to assessments and ranking of Parliamentary openness in Africa and across the globe.

(i) Transparency: A Parliament is considered open if and when it has the ability and high level of disclosure of information about its character and work. It also entails the legal, policy and institutional frameworks that allow and guarantee the people's right to quality, useful and timely information. An open Parliament, in this regard, is one with the ability and/or practice of improving the quality of parliamentary information sharing with the public, and with string mechanism on how disclosed information contributes to improving inclusivity and transparency of Parliament's decision-making systems, processes, functions and decisions.

(ii) Civic Participation: This relates to the manner in which and the level to which Parliament enables, establishes, or promotes opportunities, processes, or mechanisms for the public to inform or influence its function and role, process, and decisions. A Parliament is considered more open if and when it provides an environment, which legally and legitimately upholds, promotes, and guarantees the fundamental freedoms, i.e., freedoms of assembly, association and expression and also actively creates, enables, or improves participatory mechanisms for minorities and/or underrepresented groups of the public, such as persons with disabilities.

(iii) Public Accountability: A Parliament is open if and when its members are accessible and answerable to citizens. Accountability stretches to the performance of Members of Parliament, both individually and collectively, and their integrity and that of the House. It equally includes the personal conduct of Members of Parliament and the conduct of House business. A Parliament that is open regularly reports on its institutional performance and opens Parliamentary conduct of its members, both individually and collectively, to public scrutiny.

(iv) Ethical Conduct: A Parliament is ethical when it actively enforces morally acceptable conduct and promotes good practices on ethics and transparency, including via the adoption of a Code of Ethics underpinned by regulations and oversight by an independent entity.

Commissioned by Mzalendo Trust, (hereinafter referred to as Mzalendo) this assessment of the status of openness by the National Parliaments of the East African Member Countries (Burundi, Democratic Republic of Congo-DRC, Kenya, Rwanda, South Sudan, Tanzania, and Uganda) is an intermediate objective in Mzalendo's quest to develop a maiden East African Open Parliament Index (EA-OPI). The EA-OPI shall be a tool for periodic assessment of levels of parliamentary openness both for purposes of advocacy and cross-regional learning in enhancing parliamentary openness in the region and across Africa.

Since the Declaration on Parliamentary Openness in 2012 which was a call, by PMOs, to National Parliaments, sub-national and transnational legislative bodies, for an increased commitment to openness

and to citizen engagement in Parliamentary work, there has been very little efforts to evaluate progress made in the various regions. Thus, the need to assess the levels of openness with a view of sharing best practices and learning from each other's experiences. It is in response to this need and gap that Mzalendo has come with the initiative to comprehensively assess the status of openness of the national Parliaments of the EAC Member Countries.

Mzalendo's interest and focus on Parliamentary effectiveness is located within Parliament's role in democratic governance. Indeed, African Parliaments, as are others around the globe "can make a crucial contribution to good governance and development in Africa. At the heart of governance lies the relationship between citizens, institutions, and rulers. Parliaments are key to this relationship. Where Parliament works as a strong, effective institution, it can help government work accountably, capably, and responsibly." Open, transparent, and accountable Parliaments go a long way in strengthening democratic governance. The significance and centrality of Parliaments in governance of a democratic polity cannot be overemphasized, hence at the core of this assessment, and the subsequent development of the EA-OPI, is strengthening democracy through Parliamentary agency and efficacy.

The Parliamentary Network Africa (PNAfrica), under the auspices of the Africa Parliamentary Monitoring Organizations Network (APMON) has completed the development of the maiden Africa OPI which was launched on 20th July 2022. The Africa OPI is a joint effort with the APMON working group, which is made up of renowned PMOs in Africa that include Mzalendo Trust. Others are the Ghana Centre for Democratic Development (CDD-Ghana), Parliamentary Monitoring Group (South Africa), Africa Parliamentary Press Network (APPN), and the Pan African Parliament Civil Society Forum which is coordinated by the Center for Human Rights at the University of Pretoria. There is also collaboration between Africa OPI and Argentina's Directorio Legislativo which co-founded the Latin America Legislative Transparency Index and Network about a decade ago. This points not only to an existence of a robust global network on open and effective Parliaments but also Mzalendo's place, role and strategic position and engagement in this crucial undertakings and processes.

This assessment is part of the project on: ***Enhancing Transparent and Accountable Parliaments in Kenya and across Africa*** which Mzalendo is implementing with the support of Charter Project Africa through the Civic Tech and the African Governance Architecture Grant. The project aims to boost meaningful engagement in legislative processes, leveraging on the prevalence of the internet as a powerful civic engagement tool. It also seeks to strengthen knowledge sharing through peer learning among PMOs across the region and Africa, as whole, in view of enhancing parliamentary openness through transparency, accountability and public participation in parliamentary work. In view of project objectives, Mzalendo aims to adapt, customize, and contextualize the OPI to the context and realities of national Parliaments of the EAC Member Countries. Once the initiative is completed and the EA-OPI is developed, it is expected to aid in the assessment of the openness, transparency, and levels of public participation in Parliaments across the East African region.

An Overview of the Status of Parliamentary Openness in the EAC Member Countries

The following are the key areas that the assessment focused on during the consultation and on the basis of which the general status of Parliamentary openness of the National Parliaments of EAC Member Countries is arrived at.

(i) Parliamentary information: Generation and retention of authoritative records of parliamentary proceedings and actions Number, accessibility, quality of available channels of accessing Parliamentary proceedings and relevant information

(ii) Media Platforms for Parliamentary Access: Number, accessibility, quality of available channels of accessing Parliamentary proceedings and relevant information

(iii) Parliamentary websites: Availability of the website, its nature and design, accessibility and easy of navigation. The amount, quality and timeliness of the information shared on the relevant websites

(iv) Parliamentary Committees and Plenary: The nature of conducting business both in plenary and committees; accessibility to the public, openness to the public; sharing of information both during and after those sessions; what information is shared when and how and who can access it. Feedback and forth between the public and parliamentary proceedings both at committee and plenary levels

(v) Bills and Legislative process: The process of drafting of Bills and pieces of legislation; the level of public participation in contributing to content and process i.e., nature and level of public participation allowed and supported throughout the drafting and processing of Bills and pieces of legislation

(vi) Parliamentary voting: The nature and process of Parliamentary voting. Records of Parliamentary voting and process of and action on the outcomes of the vote

(vii) The Integrity of Members of Parliament: Measures and processes of ensuring the integrity of Members; level of adherence; consequences of non-adherence to laid down requirements and ethical procedures. The nature and process of information on the integrity of Members. Who can access this information, how, when and for what purposes

(viii) Parliaments' structures and systems: Information on Parliament's structure and systems. Nature of information on Parliament's structure and systems is available, its format and levels of accessibility as well as how it can be processed and consumed by the public and other relevant actors

(ix) Policies: The nature of Parliamentary policies; how comprehensive they are i.e., do they cover all key aspects of Parliamentary work and conduct, are they up to date? The nature and process of formulating and review Parliamentary policies. Level of public input and participation in formulation and review of Parliamentary policies. Mechanisms of implementation of Parliamentary policies and consequences of non-implementation both in regulation and practice.

(x) Budgets and Expenditures: The process of national budget making and how accessible and participatory it is. Published information on the budget making process. The process and participation on budgetary amendments including introduction of supplementary budgets. Also, the accessibility of Parliament's own budget and how open it is to public scrutiny.

(xi) Parliament-Public relations: Levels of proximity and accessibility of Parliament by the public. Accessibility of Members of Parliament; what available channels are available to the public to access and engage Members. Petitioning of Parliament by the public, nature and process and outcomes of public petitioning of Parliament. The easy of monitoring the work of Parliament by the relevant actors including CSO, Media and the public. Other available channels of contact between Parliament and the public such as Parliamentary open days etc.

Conclusion

Following this comprehensive assessment which provides an up-to-date overview of the status of openness in the national Parliaments of the EAC Member Countries, and based on the consolidated parameters and indicators, Mzalendo will proceed to develop the EA-OPI and avail it for period assessment and scoring of respective Parliaments. This will, in turn, contribute to the co-creation of necessary reforms

and the devising of strategies that will strengthen parliamentary openness to enable Parliaments to be more transparent, accountable, and better involve the public in their work.

As is the case with the OPI, the outcome of this assessment of the status of National Parliaments of the EAC Member Countries, and the eventual contextualization of the OPI under the EA-OPI, will serve as the baseline to which improvements in parliamentary openness in the various Countries, in the region, and beyond, will be periodically assessed in view of monitoring the level of transparency, as well as measuring progress in enhancing the principles of Open Parliament in East Africa and the Continent as a whole.

Proposed Actions to Strengthen Parliamentary Openness in the EAC Member Countries

- a.** For Respective Parliaments: Parliaments need to strengthen Transparency, Public Accountability, Citizen Participation, and Ethical conduct for good parliamentary practices.
- b.** For Mzalendo and other PMOs in the region and Africa the focus is to work towards enhancing Parliamentary openness. To do this targeted advocacy and strategic engagements are paramount. Given the fact that there are huge variations between national Parliaments of the EAC Member Countries, in terms of political systems, models of the state, levels of democratization and institutions of governance, resources and contexts, not all open Parliament initiatives will look the same. Equally the duration of commitments, programs and plans per each Parliament will differ due to structural and functional designs of relevant Parliaments.

If the country is participating in the Open Governance Partnership (OGP), for example, the focus should be on how these commitments or plans are designed and implemented. They can be either stand-alone commitments as part of the National Action Plan (NAP), like Kenya's or form a separate Parliament policy, program, and process. In the case of bicameral parliamentary systems, it may be that just one chamber adopts a plan or comes up with an initiative on enhancing parliamentary openness while the other chamber does not. Where open Parliament plans or commitments are included in a country's AP, they will be subject to evaluation by the OGP independent review mechanism, to which Mzalendo participates, while those that are not should devise their own mechanism with the support of Mzalendo and other PMOs.

Key recommendations for Mzalendo, and other PMOs, in the region.

- Supporting national and sub-national Parliaments of the EAC Member Countries to either join the OGP or come up with their own Open Parliament Plans (OPPs) which are either separate from or part of the AP, as cases may be.
- Come up with simplified mechanism of evaluating OPPs for National Parliaments of EAC Member Countries that are not part of the OGP
- Engaging in targeted measures aimed at supporting the establishment of Independent Parliamentary oversight mechanism; an ombudsman or "watcher of the watcher" particularly for overseeing parliamentary budgets
- Develop the maiden EA-OPI and conduct annual assessment in view of keeping an up-to-date EA-OPI for greater legitimacy from voluntary exposure to outside assessment, raised national and international profile of the Parliament's transparency agenda, improved access to resources to support implementation, notably via the OGP Support Unit and better opportunities to collaborate with other sectors over wider openness agenda and reforms

- Support the formation and/or enhancement of PMOs in each EAC Member Country and come up with or strengthen a collaborative framework and/or platform for peer learning and continued collaborative engagement on Parliamentary openness across the region
- Develop a contextual framework for citizen participation in parliamentary work to enhance open Parliaments in EAC. This can be in the form of a resource pack comprising a manual and/or guide to citizen participation in parliamentary work
- Support efforts for the development of mechanisms of keeping a public record of Parliamentary voting across the region.

1.0. Introduction

Open Parliaments are those whose transparency, accountability to the public and citizen participation are robust and widespread enough as to allow the people to access, meaningfully participate in and positively influence the work of Parliament. In other words, an open Parliament is one that actually encourages and allows citizens' participation in its work, and it is, in turn accountable to the public, open to public scrutiny and transparent in its design, role and operations. To this end, the following four pillars are central to assessments and ranking of Parliamentary openness in Africa and across the globe.

(i) Transparency: A Parliament is considered open if and when it has the ability and high level of disclosure of information about its character and work. It also entails the legal, policy and institutional frameworks that allow and guarantee the people's right to quality, useful and timely information. An open Parliament, in this regard, is one with the ability and/or practice of improving the quality of parliamentary information sharing with the public, and with string mechanism on how disclosed information contributes to improving inclusivity and transparency of Parliament's decision-making systems, processes, functions and decisions.

(ii) Civic Participation: This relates to the manner in which and the level to which Parliament enables, establishes or promotes opportunities, processes or mechanisms for the public to inform or influence its function and role, process and decisions. A Parliament is considered more open if and when it provides an environment, which legally and legitimately upholds, promotes and guarantees the fundamental freedoms; i.e. freedoms of assembly, association and expression and also actively creates, enables or improves participatory mechanisms for minorities and/or underrepresented groups of the public, such as persons with disabilities.

(iii) Public Accountability: A Parliament is open if and when its members are accessible and answerable to citizens. Accountability stretches to the performance of Members of Parliament, both individually and collectively, and their integrity and that of the House. It equally includes the personal conduct of Members of Parliament and the conduct of House business. A Parliament that is open regularly reports on its institutional performance and opens Parliamentary conduct of its members, both individually and collectively, to public scrutiny.

(iv) Ethical Conduct: A Parliament is ethical when it actively enforces morally acceptable conduct and promotes good practices on ethics and transparency, including via the adoption of a Code of Ethics underpinned by regulations and oversight by an independent entity.¹

Commissioned by Mzalendo Trust,² this assessment of the status of openness by the National Parliaments of the East African Member Countries (Burundi, Democratic Republic of Congo-DRC, Kenya, Rwanda,

¹For ethical principles developed by OpeningParliaments.org see: <https://www.ndi.org/sites/default/files/Common%20Ethical%20Principles%20ENGLISH%20%281%29.pdf>

²Mzalendo (Swahili for Patriot) is a Kenyan non-partisan Parliamentary monitoring organization whose mission is to "promote the realization of open, inclusive, and accountable Parliaments across Kenya and Africa For further information on Mzalendo see: <https://mzalendo.com/>

South Sudan, Tanzania and Uganda) is an intermediate objective in Mzalendo's quest to develop a maiden East African Open Parliament Index (EA-OPI). The EA-OPI shall be a tool for periodic assessment of levels of parliamentary openness both for purposes of advocacy and cross-regional learning in enhancing parliamentary openness in the region and across Africa.

Apart from customization of the Open Parliament Index (OPI)³, Mzalendo's proposed EA-OPI shall draw out on parameters and indicators from global best practices on parliamentary openness, as well as the minimum standards of parliamentary transparency, public accountability, citizen participation and ethical conduct.

The aim of this assessment was to establish parameters and indicators through which to, objectively and independently, assess and rank national Parliaments of EAC member states. The assessments and rankings will not only gauge the performance, in terms of levels of openness, but also will be a tool for identifying gaps in the openness of the respective Parliaments. It also will serve the purposes of identifying and amassing success stories for peer learning in view of enhancing the role of Parliaments in democratic governance in the region and Africa as whole. Furthermore, the assessment and ranking also aims at identifying and making various recommendations in view of contributing to improved efficacy and progress as far as levels of openness in the assessed Parliaments are concerned.

The EA-OPI shall further put at public disposal vital information for exchange of knowledge and best practices among Parliaments and Parliamentary Monitoring Organizations (PMOs) in East Africa and across Africa. Equally, this initiative, when completed, aims at providing information that is useful for advocacy on Parliamentary openness in the EAC and Africa just as periodic ranking exposes poor performance and a motivation for relevant Parliaments to improve their level of openness.

Furthermore, the EA-OPI shall provide a platform for highlighting and amplifying the agenda of Open Parliament in the EAC, and Africa. In summary, therefore, Mzalendo's initiative, once completed, shall:

- Strengthen Parliamentary institutions towards the advancement of Parliamentary openness across East Africa
- Foster collaboration between civil society, particularly PMOs, and Parliaments towards achieving the principles of open Parliaments, and provide a platform for amplifying open Parliament initiatives
- Identify, compare and exchange knowledge and best practices among national Parliaments, regional networks, local Civil Society Organizations (CSOs), especially the PMOs that work with regional and national Parliaments

In reiteration, as a first step towards developing the EA-OPI, Mzalendo embarked on an assessment of the status of national Parliaments of EAC member states. The aim of this assessment was to identify where the national Parliaments of the EAC Member Countries stand as far as openness is concerned and develop a framework for development of the EA-OPI through identifying cross-cutting parameters and indicators as well as recommend necessary actions in support of Parliamentary openness in the region.

³For the OPI process see: <https://parliamentafrica.com/OPI/>

2.0. Background and Contextual Overview

Since the Declaration on Parliamentary Openness in 2012 which was a call, by PMOs, to National Parliaments, sub-national and transnational legislative bodies, for an increased commitment to openness and to citizen engagement in Parliamentary work, there has been very little efforts to evaluate progress made in the various regions. Thus, the need to assess the levels of openness with a view of sharing best practices and learning from each other's experiences. It is in response to this need and gap that Mzalendo has come with the initiative to comprehensively assess the status of openness of the national Parliaments of the EAC Member Countries.

Mzalendo's interest and focus on Parliamentary effectiveness is located within Parliament's role in democratic governance. Indeed, African Parliaments, as are others around the globe "can make a crucial contribution to good governance and development in Africa. At the heart of governance, lies the relationship between citizens, institutions and rulers. Parliaments are key to this relationship. Where Parliament works as a strong, effective institution, it can help government work accountably, capably and responsively."⁴Open, transparent and accountable Parliaments go a long way in strengthening democratic governance. The significance and centrality of Parliaments in governance of a democratic polity cannot be overemphasized, hence at the core of this assessment, and the subsequent development of the EA-OPI, is strengthening democracy through Parliamentary agency and efficacy.

Work on Parliamentary openness, and indeed, development of Indices on the same has been ongoing for some time and deals with various issue-areas. For instance, the Parliamentary Centre (Africa), through the Africa Parliamentary Strengthening Program (APSP) for budget oversight has been working on programs aimed at enhanced "capacity of partner Parliaments to carry out their legislative, financial, oversight and representative functions to enhance good governance, accountability, transparency and participation, particularly in the budget process."⁵To this end, there is African Parliamentary Index, (API) with "a set of indicators to provide a comparative framework in which to assess and measure the performance of partner Parliaments. These indicators "measure cross-country variation in legislative budgeting and to facilitate empirical application based on a survey designed by the Parliamentary Centre (Africa.)"⁶

Equally, and most importantly, the Parliamentary Network Africa (PNAfrica), under the auspices of the Africa Parliamentary Monitoring Organizations Network (APMON) has completed the development of the maiden Africa OPI which was launched on 20th July, 2022. The Africa OPI is a joint effort with the APMON working group, which is made up of renowned PMOs in Africa that include Mzalendo. Others are the Ghana Centre for Democratic Development (CDD-Ghana), Parliamentary Monitoring Group (South Africa), Africa Parliamentary Press Network (APPN), and the Pan African Parliament Civil Society Forum which is coordinated by the Center for Human Rights at the University of Pretoria. Equally, there is also collaboration between Africa OPI and Argentina's Directorio Legislativo which co-founded the Latin America Legislative Transparency Index and Network about a decade ago.⁷ This points not only to an existence of a robust global network on open and effective Parliaments but also Mzalendo's place, role and strategic position and engagement in this crucial undertakings and processes.

⁴Strengthening Parliaments in Africa: Improving support A report by the Africa All Party Parliamentary Group. March 2008, p. 14. <https://royalafricansociety.org/wp-content/uploads/2020/01/strengthening-parliaments-in-africa-improving-support.pdf>

⁵African Parliamentary Index (API): A Report for Seven African Parliaments. The Parliamentary Center-Africa Program, June 2011, p.8

⁶Ibid

⁷Parliamentary Network Africa: <https://parliamentafrica.com/for-immediate-release-pnafrica-to-launch-africa-open-parliament-index/>

The launch of the OPI was particularly momentous and a major step forward as far as the role of PMOs in promoting Parliamentary openness in Africa is concerned. As such, the OPI process, and indeed the report, is crucial to Mzalendo's initiative within the EAC. In view of Mzalendo's quest to develop the EA-OPI, this assessment on the status of National Parliaments of the EAC member Countries become imperative. This assessment is therefore Mzalendo's mid-level outcome as it strives towards the development of the EA-OPI.

This assessment is part of the project on: ***Enhancing Transparent and Accountable Parliaments in Kenya and across Africa*** which Mzalendo is implementing with the support of Charter Project Africa through the Civic Tech and the African Governance Architecture Grant. The project aims to boost meaningful engagement in legislative processes, leveraging on the prevalence of the internet as a powerful civic engagement tool. It also seeks to strengthen knowledge sharing through peer learning among PMOs across the region and Africa, as whole, in view of enhancing parliamentary openness through transparency, accountability and public participation in parliamentary work. In view of project objectives, Mzalendo aims to adapt, customize and contextualize the OPI to the context and realities of national Parliaments of the EAC Member Countries. Once the initiative is completed and the EA-OPI is developed, it is expected to aid in the assessment of the openness, transparency and levels of public participation in Parliaments across the East African region.

A comprehensive assessment of the status of Parliamentary openness in East Africa is, therefore, part of Mzalendo's compressive initiative aimed developing the EA-OPI which shall be a tool for periodic assessment of Parliamentary openness in the region. This assessment also aimed at identifying, consolidating cross-cutting parameters and applicable indicators which will be the basis for developing the EA-OPI. As such, this assessment is part of Mzalendo's ambitious initiative aimed at strengthening its work of enhancing Parliamentary openness in Kenya, East Africa and across continent.

3.0. Methodology

The aim of this task was to conduct an assessment of Parliamentary openness in the EAC Member Countries and flesh out Parliamentary openness parameters and indicators which will, in turn, aid in the development and customization of the OPI to the national Parliaments of the EAC member states otherwise here referred to as the EA-OPI.

Gathering of information was guided by the parameters contained in the OPI as organized around Transparency, Civic Participation, and Public Accountability⁸ as well as Ethical Conduct. Markedly the Ethical Conduct is not an additional pillar but rather a separation of elements of ethical conduct from the rest of the pillars to form a separate pillar due to the emphasis that various stakeholders put on the ethical concerns.

The foregoing pillars are defined as below and are linked to the element of oversight. Effective oversight places the people – their needs, their interests and their experiences – at the heart of politics. According to Transparency International (TI), "effective oversight improves government performance in all policy areas."⁹ As an important component of democratic accountability, effective parliamentary oversight is an area of intervention to enhance accountability by oversight institutions, including by CSOs, in general, and PMOs, in particular.

⁸<https://parliamentafrica.com/OPI/>

⁹Transparency International. Parliamentary Oversight Self-Assessment Tool. See: <https://www.ipu.org/sites/default/files/documents/toolkit-12-10-2018-e.pdf>

Pillar	Description
<p>Transparency</p>	<p>The Africa OPI defines a transparent Parliament as one that discloses more information, improves the legal or institutional frameworks to guarantee the right to information, improves the quality of parliamentary information disclosed to the public, and improves the transparency of its decision-making processes or systems</p>
<p>Public Accountability</p>	<p>The Africa OPI defines an accountable Parliament as one whose Members are answerable to citizens on their performance and integrity of their conduct in office; and Parliaments that report on their institutional performance regularly and in a transparent manner. Areas of interest under this section included the provision of regular and sufficiently updated information about Members of Parliament, their staff, assets, parliamentary expenses, non-parliamentary income, the contact information of their constituency and parliamentary offices, as well as their voting records at plenary and in committees. It also looked at the accountability of the parliamentary administration, including the provision of information on parliament’s budget, budget execution, bids, contracts, code of conduct for members and staff of Parliament, as well as how allegations of unethical behavior/conflict of interest/corruption involving Members and staff of Parliament are handled</p>
<p>Civic participation</p>	<p>Civic Participation under this OPI represents a state where Parliaments create or improve opportunities, processes or mechanisms for the public to inform or influence decisions; creates, enables or improves participatory mechanisms for minorities or underrepresented groups; and enables a legal environment that guarantees freedoms of assembly, association and peaceful protest.</p>
<p>Ethical Conduct</p>	<p>According to OpenningParliaments.org¹⁰ A Parliament is ethical when it has mechanisms to uphold, enforce and promote parliamentary ethics and acceptable conduct within the confines of the Constitution and the law. It also involves Parliament’s legal and policy framework that seek to codify and enforce cross-cutting principles of ethical parliamentary conduct, as well as acceptable and common ethical principles; key principles include upholding human rights, serving the public interest, ensuring public integrity and avoiding conflicts of interest, as well as carrying out public duties professionally and transparently while valuing diversity and political pluralism</p>

¹⁰For ethical principles developed by OpenningParliaments.org see: <https://www.ndi.org/sites/default/files/Common%20Ethical%20Principles%20ENGLISH%20%281%29.pdf>

Information gathering for this assessment was, in part, guided by the indicators contained in the OPI as organized around Transparency, Civic Participation and Public Accountability with an additional pillar on Ethical Conduct. Away from the OPI, which is an anchor document and the proceedings and discussions during the launch¹², this assessment benefited from desk reviews and wide-ranging formal and guided consultations with relevant stakeholders across East Africa. This assessment also draws out on other existing indices, such as APSP's on budget oversight and indeed the Parliamentary performances and effectiveness as contained in the API's six core areas: (i) representation; (ii) legislation; (iii) oversight functions; (iv) financial scrutiny; (v) institutional capacity and; (vi) institutional integrity.¹³

Desk review and consultations ensured ownership of and participation of relevant stakeholders, including those drawn from target Parliaments. As such, this assessment was done through structured and purposive consultations with individuals drawn from key relevant sectors and stakeholders. The consultations were hybrid in nature (virtual and/or physical as well as groups and individuals). In view of obtaining relevant information from targeted informants, the semi-structured conversational guide (Appendix one) was used for prompting and guiding the conversations during the consultations.

Overall, the structure and content of the consultations were thematically organized around customized parameters drawing inspiration from the indications contained in the OPI to which Mzalendo is a partner. In view of this, settling on a list of consolidated parameters, as one of the key outputs of this assessment, significantly drew upon on core democratic governance issues at the heart of the work of the Africa OPI which is a joint effort with the APMON and the outcome of the desk reviews and consultations with relevant stakeholders. Noteworthy is that more parameters emerged during the consultations hence the outcome of the assessment comprises but goes beyond the contents of the already mentioned consultations schedule.

4.0. Framing Parliaments of EAC Member Countries within Global Best Practices of Parliamentary Openness

Active involvement of citizens in the work of Parliament, including legislative and decision-making processes allows them to contribute to decisions that ordinarily have an impact on their lives. Generally, an open Parliament is an accountable Parliament. There is a distinction between two broad types of accountability: vertical and horizontal. Vertical refers to a situation in which citizens play a direct role in holding the powerful to account. On the other hand, horizontal entails a situation where Members of Parliament hold other arms of government, particularly, the Executive to account. Whilst both are important and crucial to Parliamentary work and openness, this assessment mainly focuses on vertical openness. The following is a summary of some of the global best practices related to Parliamentary openness.

4.1. Recognizing Public Ownership of Parliamentary Information

Parliamentary information belongs to the public; citizens should be allowed to access, reuse and republish parliamentary information, in whole or in part. Any exceptions or restrictions to this principle, for instance, due to security concerns, shall be defined by law accordingly. The notion that Members of Parliament serve at the behest of the public is fundamental to democratic governance. It follows that information produced by and/or for Parliament belongs to the citizens of the respective country.

Whilst all national Parliaments of EAC Member Countries, both in terms of the law and in principle, are committed and/or willing to share Parliamentary information with the public, each of them is at different

¹¹<https://parliamentafrica.com/OPI/>

¹²Ibid

¹³Ibid, p.14

stages of putting in place requisite legal and policy frameworks, as well as mechanisms of ensuring public access to the requisite information.

Indeed virtually, all national Parliaments of the EAC Member Countries are required by law to share information with the public. This is largely due to existing of constitutional and/or legal provision on public access to government information. For example, in Kenya both the Constitution (Art. Article 35) and the law (Access to information Act 2016) provide for the right to public access to government information. The same is the case with Uganda and Tanzania where Articles 41 and 18, respectively provide for access to information, respectively. Yet, the access to information may be inhibited in certain ways. For example, chapter three of the Constitution of Rwanda defines the procedures for accessing information. In that procedure, any individual or a group of persons can apply for information with no fees required, except some postage and paper charges. Equally, the time for the provision of information is not provided in the law, and is given to the liberty of a Ministerial order.¹⁴ In this regard, there is a lacuna in terms of timeliness of the information but, importantly a possible hindrance to access to information due to Ministerial order requirement.

In view of the forgoing, it is established that in some cases Parliament may provide certain information only upon request, rather than as a matter of course. Parliament may also provide information in formats that restrict the tools available to citizens to access, reuse and analyze legislative information.

4.2. Timely and Accurate Information

The ideal situation is for the members of the public to have automatic and unhindered access to parliamentary information in a timely and accurate manner. If information is not timely and not accurate, then it is either not useful or can be even harmful. The concern is on the timeliness and accuracy of the shared parliamentary information. Assessment is to be made in regard to mechanisms in place that ensure timely sharing of information and verification procedures to ascertain the accuracy of the shared information.

As a general rule, information should be provided in real time. To the extent that doing so is, at times, not possible due to the nature of parliamentary work and procedures, then information shall be released publicly as quickly as it is available internally. Indeed, citizens must have sufficient opportunity to prepare and respond to the actions of Parliament, if they are to have an effective influence on the legislative process, hence access to timely and accurate information is crucial. For example, the Guidelines for Parliamentary Websites, developed by the IPU and the Global Centre for ICT in Parliament, suggest that information should be available online to the public "as soon as it is available to members and officials."¹⁵

In assessing accuracy of shared Parliamentary information, the focus should be on mechanisms through which respective Parliaments ensure authoritative records and guarantee that the information they release to the public is accurate. The rationale for retaining an authoritative copy of its records is to prevent forgery and/or the entry of accidental changes over time. Thus, these authoritative records help ensure that the accuracy of parliamentary information remains intact and valid over time.

4.3. Advancing a Culture of Openness through Legislation

Lawmaking is a core function of the Legislature and this function is, in most jurisdictions, vested by the Constitution of that country. In other jurisdictions the legislative power is vested by an Act of Parliament.

¹⁴See. Law N. 04/2013 of 08/02/2013 relating to access to information, Article 1. Official Gazette No. 10 of 11 March 2013

¹⁵See: IPU, Guidelines for Parliamentary Websites

Whether initiated by the Executive or a Private Member, it is the responsibility of Parliament to pass such a Bill into law irrespective of the source of the legislative power.

The Legislature's control of the purse (resources) is expressed in its power to pass the Appropriations Act which allocates resources to the Executive and other institutions of the State. Recognizing the complexities of modern society and the technicality of the legislative process, Parliaments require knowledge and expertise in a vast array of technical areas. An open Parliament, in this regard, is therefore, assessed on the basis of its effectiveness in executing its legislative function. The assessment also covers the respective Parliaments' legal mandate with emphasis on the source of the authority of the legislative power, whether the public has access to input into the legislative process and whether Parliament has a mechanism to monitor the impact of the laws that it enacts.

Legislation, as well as internal rules of procedure and codes of conduct, that foster an enabling environment guaranteeing the public's right to government and parliamentary information, promoting a culture of open government, providing for transparency of political finance, safeguards freedoms of expression and assembly, and ensuring engagement by civil society and citizens in the legislative process. The adoption of legislation and regulations that allow for broad access to parliamentary information and participation of citizens in parliamentary processes is necessary, albeit insufficient, to promote a culture of openness.¹⁶

The areas of attention include availability of legislation and regulatory frameworks that ensure the existence of an enabling environment – inside and outside of Parliament – in which citizens are encouraged to organize, assemble and engage in open dialogue with Members of Parliament regarding the work of Parliament, including legislation and public policies. Assessment should examine how relevant Parliaments actively foster and promote all aspects of democratic culture in order to educate and raise awareness among public officials, political actors and citizens on relevant processes and procedures. Finally, creating a culture of openness also requires that citizens have access to information about their Members of Parliament, their political persuasions and their voting records, among others.

4.4. Protecting a Culture of Openness through Oversight

It has been observed that availability of Parliamentary oversight tools, or even oversight potential, has “a profound effect on the nature and functioning of a political system,” and the probability that a country is democratic.¹⁷ There should be guarantee that laws ensuring Parliament's openness are implemented effectively and that Parliament acts in a fully transparent manner, and that Parliament also works to promote a culture of openness.

Aspects to look out for include extant evidence on how Parliaments strive to ensure that it complies with laws that safeguard the rights of citizens to access and use Parliamentary information and the extent to which the right to oversight and/or the function of oversight is recognized as a core aspect of a democratic Parliament.

Laws, policies and records of Parliamentary proceedings are sources of information as regards assessment of the robustness of this parameter. Other indicators to observe are: public hearings and questioning members of the executive in committees or in the plenary; publishing and/or communicating parliamentary

¹⁶The Law on Access to Information, Chisnau, 11 May 2000, NR. 982-XIV (Republic of Moldova). <http://www.legislation-line.org/documents/action/popup/id/6394>.

¹⁷Ricardo Pelizzo, Rick Staphenurst and David Olson, Parliamentary Oversight for Government Accountability, World Bank Institute, 2006, <http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/WP%20-%20Parliamentary%20Oversight%20for%20Government%20Accountability.pdf>.

efforts to hold the executive to account and engaging citizens in the process; how Parliaments strive to put in place and implement mechanisms for ensuring accountability of state officers and how it engages the public in the said process.

4.5. Promoting Civic Education

Educating citizens about the role of Parliament and its work is essential to the health of a democracy. Thus, Parliament has a responsibility to actively promote civic education of the public, particularly those in the margins, by promoting understanding of Parliament's rules and procedures, Parliament's work, and the role of Parliament and its Members.

Available programs, initiatives, and processes of parliamentary civic education are key to measuring the level and effectiveness of civic education by Parliaments. Some of the Parliaments in the EAC have various mechanisms and programs of civic education. For example, the Tanzanian Parliament has a special department on civic education, Information and International Cooperation "whose duty is to ensure that the general public is sensitized to understand the work of the Legislature."¹⁸

The areas of focus in assessing promotion of civic education by Parliaments, therefore, include but not limited to Parliamentary open days, media programs, accessible publications on the role of Parliament, tours of Parliament by the public among others.

4.6. Engaging Citizens and Civil Society

Parliament has a duty to actively engage citizens and civil society in Parliamentary processes and decision-making in order to effectively represent citizen interests and to give effect to the right of citizens to petition their government.

It has been established that national Parliaments of EAC member states endeavor to support civic engagement. For instance, in Uganda, members of the public may appear before Parliament to give evidence on an item in the budget.¹⁹ In Kenya, over and above constitutional guarantees (Articles 118 (1) (b) and 196 (1) (b) on public participation, article 119 further provides for the right for the public to request Parliament to consider any matter within its authority.

Parliament has a duty to support measures to ensure that CSOs are able to operate freely and without any restrictions. Further, Parliaments have a duty to develop a legal framework that enables citizen participation in its work as well as use their powers of oversight to ensure that governments safeguard the right of citizens to government information and active engagement in public affairs. Indeed, Parliaments have a duty to encourage a free and vibrant civil society. Thus, access to and levels of participation guaranteed by the Constitution and the law and the level to which Parliaments guarantee and/or facilitate such process determine the levels of Parliamentary openness, in this regard.

Areas of interest are the available opportunities given for public input into the legislative processes. Others are defined procedures, available forums and opportunities for collaboration between Parliament and civil society. It is important to assess any cases of discrimination in Parliamentary processes and decision-making in order to effectively represent citizens' interests and to give effect to the right of citizens to participate fully in Parliamentary work.

¹⁸See: Parliamentary Centre, African Parliamentary Index, June 2011, p. 23.

¹⁹See: Parliamentary Centre, African Parliamentary Index, June 2011, p. 147.

4.7. Enabling Effective Parliamentary Monitoring

Parliament has the duty to recognize the right and duty of civil society, media, and the general public to monitor the work of Parliament and Parliamentarians. The extent to which Parliament engages in consultations with the general public and CSOs that monitor Parliamentary work, such as PMOs, is a measure of Parliamentary openness.

Mechanisms that encourage and promote reduction of barriers in accessing Parliamentary information and the effectiveness with which Parliaments communicate their work, educate the public about its roles and functions, and provide opportunities for citizens to engage in legislative and policy discussions are all parameters of Parliamentary openness.

4.8. Ensuring Legal Recourse

There should be legal and judicial recourse in instances where citizens' access to quality and timely information and/or inhibition to their right to participation in Parliamentary work. Equally there should be legal and judicial recourse for citizens in instances where Parliamentary information is in dispute. Also there need for legal and judicial recourse to the citizens in regard to instances where parliamentary information is incomplete, inaccurate or misleading. These are important elements since "the absence of completeness in documentation translates into a lower level of transparency."²⁰

On the other hand, there should not be a compromise on the completeness of information shared or hindrances to accessing complete information since the principle of open governance demands that principle "data must be complete."²¹

Thus, areas of attention include: how current, relevant, verifiable, complete, and undistorted and/or unbiased the available and/or shared parliamentary information is and what legal and judicial recourse is available in case of any of the mentioned shortcomings.

5.0. An Overview of the Status of Parliamentary Openness in the EAC Member Countries

As contained in the Consultative Schedules, the assessment focused on specific parameters determined a-priori yet as contained in the proposed framework of assessment (comprising parameters and indicators (ref. to 6.0) other parameters were emergent during the assessment.

The following are the key areas that the assessment focused on during the consultation and on the basis of which the general status of Parliamentary openness of the National Parliaments of EAC Member Countries is arrived at.

- (i) Parliamentary information: Generation and retention of authoritative records of parliamentary proceedings and actions Number, accessibility, quality of available channels of accessing Parliamentary proceedings and relevant information
- (ii) Media Platforms for Parliamentary Access: Number, accessibility, quality of available channels of accessing Parliamentary proceedings and relevant information

²⁰See: Global Centre for ICT in Parliament, World e-Parliament Report 2010, IPU-UNDESA, p. 60.

²¹See: Open Government Data Definition: The 8 Principles of Open Government Data, released by the Open Government Working Group convened in Sebastopol, California, USA, on 8 Dec 2007. <http://www.opengovdata.org/home/8principles>

- (iii) Parliamentary websites: Availability of the website, its nature and design, accessibility and easy of navigation. The amount, quality and timeliness of the information shared on the relevant websites
- (iv) Parliamentary Committees and Plenary: The nature of conducting business both in plenary and committees; accessibility to the public, openness to the public; sharing of information both during and after those sessions; what information is shared when and how and who can access it. Feedback and forth between the public and parliamentary proceedings both at committee and plenary levels
- (v) Bills and Legislative process: The process of drafting of Bills and pieces of legislation; the level of public participation in contributing to content and process i.e. nature and level of public participation allowed and supported throughout the drafting and processing of Bills and pieces of legislation
- (vi) Parliamentary voting: The nature and process of Parliamentary voting. Records of Parliamentary voting and process of and action on the outcomes of the vote
- (vii) The Integrity of Members of Parliament: Measures and processes of ensuring the integrity of Members; level of adherence; consequences of non-adherence to laid down requirements and ethical procedures. The nature and process of information on the integrity of Members. Who can access this information, how, when and for what purposes
- (viii) Parliaments' structures and systems: Information on Parliament's structure and systems. Nature of information on Parliament's structure and systems is available, its format and levels of accessibility as well as how it can be processed and consumed by the public and other relevant actors
- (ix) Policies: The nature of Parliamentary policies; how comprehensive they are i.e., do they cover all key aspects of Parliamentary work and conduct, are they up to date? The nature and process of formulating and review Parliamentary policies. Level of public input and participation in formulation and review of Parliamentary policies. Mechanisms of implementation of Parliamentary policies and consequences of non-implementation both in regulation and practice
- (x) Budgets and Expenditures: The process of national budget making and how accessible and participatory it is. Published information on the budget making process. The process and participation on budgetary amendments including introduction of supplementary budgets. Also the accessibility of Parliament's own budget and how open it is to public scrutiny.
- (xi) Parliament-Public relations: Levels of proximity and accessibility of Parliament by the public. Accessibility of Members of Parliament; what available channels are available to the public to access and engage Members. Petitioning of Parliament by the public, nature and process and outcomes of public petitioning of Parliament. The easy of monitoring the work of Parliament by the relevant actors including CSO, Media and the public. Other available channels of contact between Parliament and the public such as Parliamentary open days etc

Parameters	Burundi	DRC	Kenya	Rwanda	S. Sudan	Tanzania	Uganda
Parliamentary information	Parliament generates and retains authoritative records of parliamentary proceedings and actions The process of accessing the retained records unclear Poor channels of accessing Parliamentary records and relevant information by the public	Parliament generates and retains authoritative records of parliamentary proceedings and actions The process of accessing the retained records unclear The channels of accessing Parliamentary records and relevant information by the public are unclear	Parliament generates and retains authoritative records of parliamentary proceedings and actions The process of accessing the retained records clear The channels of accessing Parliamentary records and relevant information by the public is clear	Parliament generates and retains authoritative records of parliamentary proceedings and actions The process of accessing the retained records is clear The channels of accessing Parliamentary records and relevant information by the public is clear	The process of generating and retaining authoritative records of parliamentary proceedings and actions is rudimentary and formative No clear process of accessing the retained records No clear channels of accessing Parliamentary records and relevant information by the public	Parliament generates and retains authoritative records of parliamentary proceedings and actions The process of accessing the retained records is clear The channels of accessing Parliamentary records and relevant information by the public is clear	Parliament generates and retains authoritative records of parliamentary proceedings and actions The process of accessing the retained records is clear The channels of accessing Parliamentary records and relevant information by the public is clear
Media Platforms for Parliamentary Access	One channel, and with limited coverage, of access to Parliamentary proceeding Accessibility of Parliamentary proceedings severely limited The quality of available channel of accessing Parliamentary proceedings and relevant information is poor	No known official channel of accessing Parliamentary proceeding Accessibility of Parliamentary proceedings hardly exists	Multiple (both official and unofficial) channels of accessing Parliamentary proceeding exist Accessibility of Parliamentary proceedings is generally good although some parts of the country have limited accessibility The quality of available channels of accessing Parliamentary proceedings and relevant information is good	Multiple (both official and unofficial) channels of accessing Parliamentary proceeding exist Accessibility of Parliamentary proceedings is generally good across the country The quality of available channels of accessing Parliamentary proceedings and relevant information is good	No known official channel of accessing Parliamentary proceeding Accessibility of Parliamentary proceedings hardly exists	Multiple (both official and unofficial) channels of accessing Parliamentary proceeding exist Accessibility of Parliamentary proceedings is generally good although some parts of the country have limited accessibility The quality of available channels of accessing Parliamentary proceedings and relevant information is good	Multiple (both official and unofficial) channels of accessing Parliamentary proceeding exist Accessibility of Parliamentary proceedings is generally good although some parts of the country have limited accessibility The quality of available channels of accessing Parliamentary proceedings and relevant information is good

Parameters	Burundi	DRC	Kenya	Rwanda	S. Sudan	Tanzania	Uganda
Parliamentary websites	<p>A Parliamentary website exists</p> <p>The website is easy to navigate but not interactive</p> <p>Information on the Website of Parliament is limited and often not up-to date</p>	<p>A Parliamentary website exists</p> <p>The website is easy to navigate and a little bit interactive</p> <p>Information on the Website of Parliament is sufficiently up-to date</p>	<p>A Parliamentary website exists</p> <p>The website is easy to navigate but not interactive</p> <p>Information on the Website of Parliament is sufficiently up-to date</p>	<p>A Parliamentary website exists</p> <p>The website is easy to navigate but not interactive</p> <p>Information on the Website of Parliament is limited and often not up-to date</p>	<p>A Parliamentary website exists</p> <p>The website is easy to navigate but not interactive</p> <p>Information on the Website of Parliament is limited and often not up-to date</p>	<p>A Parliamentary website exists</p> <p>The website is easy to navigate but not interactive</p> <p>Information on the Website of Parliament is limited and often not up-to date</p>	<p>A Parliamentary website exists</p> <p>The website is easy to navigate and a little bit interactive</p> <p>Information on the Website of Parliament is sufficiently up-to date</p>
Parliamentary Committees and Plenary	<p>The procedures of conducting business both in plenary and committees is clear</p> <p>Parliamentary proceedings (plenary and committees) not readily clear to the public and hardly accessible to the public</p> <p>Sharing of information both during and after those sessions is severely limited</p> <p>No timely sharing of information on plenary and committee proceedings</p> <p>The feedback and forth between the</p>	<p>The procedures of conducting business both in plenary and committees is robust</p> <p>Parliamentary proceedings (plenary and committees) both clear to the public and largely accessible to the public. The plenary is comparatively more accessible than Committees</p> <p>Sharing of information during and after Plenary sessions is largely sufficient but not timely</p> <p>Sharing of information during and after Committee</p>	<p>The procedures of conducting business both in plenary and committees is good</p> <p>Parliamentary proceedings (plenary and committees) are both clear and accessible to the public but there is limited public interest in following the proceedings</p> <p>Sharing of information during and after Plenary committee sessions is insufficient and untimely</p> <p>There is largely one way feedback</p>	<p>The procedures of conducting business both in plenary and committees is rudimentary</p> <p>Parliamentary proceedings (plenary and committees) both unclear to the public and largely inaccessible to the public</p> <p>Sharing of information both during and after those sessions is hardly existent</p> <p>The feedback and forth between the public and parliamentary proceedings both at committee and plenary is non-existent</p>	<p>The procedures of conducting business both in plenary and committees is good</p> <p>Parliamentary proceedings (plenary and committees) are clear and accessible to the public</p> <p>Sharing of information during and after Plenary committee sessions is insufficient and untimely</p> <p>The feedback and forth between the public and parliamentary proceedings</p>	<p>The procedures of conducting business both in plenary and committees is good</p> <p>Parliamentary proceedings (plenary and committees) are clear and accessible to the public also significant procedural and bureaucrat constraints were reported</p> <p>Sharing of information during and after Plenary and committee sessions is fairly good but mostly untimely</p> <p>The feedback and forth between the public and</p>	

Parameters	Burundi	DRC	Kenya	Rwanda	S. Sudan	Tanzania	Uganda
	public and parliamentary proceedings both at committee and plenary is either non-existent or unknown	public and parliamentary proceedings both at committee and plenary is either non-existent or unknown	sessions is insufficient and mostly untimely The feedback and forth between the public and parliamentary proceedings both at committee and plenary exists but not sufficiently operational especially from the public to Parliament	(from Parliament to public) largely a function that is activated when Parliament, or even the Executive deems it necessary		both at committee and plenary exists but not sufficiently operational especially from the public to Parliament	parliamentary proceedings both at committee and plenary exists and is fairly operational
Bills and Legislation process	The process of drafting of Bills and pieces of legislation is not clear The level of public participation in the legislative process is too low	The process of drafting of Bills and pieces of legislation is clear yet inaccessible and/or unknown to the public The level of public participation in the legislative process is too low	The process of drafting of Bills and pieces of legislation is very clear and accessible to the public The level of public participation in the legislative process is high	The process of drafting of Bills and pieces of legislation is very clear and accessible to the public The level of public participation in the legislative process is low	The process of drafting of Bills and pieces of legislation is both unclear and inaccessible to the public There is hardly any public participation in the legislative process	The process of drafting of Bills and pieces of legislation is very clear and accessible to the public The level of public participation in the legislative process is medium	The process of drafting of Bills and pieces of legislation is very clear and accessible to the public The level of public participation in the legislative process is medium
Parliamentary voting	Parliamentary voting is largely through acclamation and in public Not clear if records of Parliamentary voting exist and the procedure of access is unknown	Parliamentary voting is largely through acclamation and in public No clear records of Parliamentary voting and the procedure of access is unknown	Parliamentary voting is largely through acclamation and in public but also there are few cases of Secret ballot Records of Parliamentary voting exist but not sufficiently structured and well documented	Parliamentary voting is largely through acclamation and in public Records of Parliamentary voting either do not exist or are unknown	Parliamentary voting is largely through acclamation and in public No records of Parliamentary voting The guidance on the process of and action on the outcomes of the vote does not exist	Parliamentary voting is largely through acclamation and in public Records of Parliamentary voting either do not exist or are unknown	Parliamentary voting is largely through acclamation and in public Records of Parliamentary voting either do not exist or are unknown The procedure of access of Parliamentary voting records unclear

Parameters	Burundi	DRC	Kenya	Rwanda	S. Sudan	Tanzania	Uganda
	outcomes does not exist	vote does not exist	The procedure of access of Parliamentary voting records unclear and/or complicated There is no guidance on the process of and action on the outcomes of the vote	There is no guidance on the process of and action on the outcomes of the vote		There is no guidance on the process of and action on the outcomes of the vote	There is no guidance on the process of and action on the outcomes of the vote
The Integrity of Members of Parliament	Measures and processes of ensuring the integrity of Members of Parliament; level of adherence; consequences for non-adherence to laid down requirements and ethical procedures do not exist There is hardly any procedure of ascertaining the integrity of Members of Parliament There is no guideline on access to information on the integrity of Members of Parliament	Measures and processes of ensuring the integrity of Members of Parliament; level of adherence; consequences for non-adherence to laid down requirements and ethical procedures do not exist There is hardly any procedure of ascertaining the integrity of Members of Parliament There is no guideline on access to information on the integrity of Members of Parliament	There are various measures and processes of ensuring the integrity of Members of Parliament; level of adherence is severely limited; there are hardly any consequences for non-adherence to laid down requirements and ethical procedures There are various mechanisms of ascertaining the integrity of Members of Parliament but they are neither sufficiently implemented nor adhered to There are significant obstacles to accessing information on the integrity of	There are hardly any known processes of ensuring the integrity of Members of Parliament The integrity of Members of Parliament is largely subject to Presidential decisions and actions No known mechanism of ascertaining the integrity of Members There is no guideline on access to information on the integrity of Members of Parliament safe from what is provided for and/or allowed by the Presidency	Measures and processes of ensuring the integrity of Members of Parliament; level of adherence; consequences for non-adherence to laid down requirements and ethical procedures do not exist No procedure of ascertaining the integrity of Members of Parliament There is no guidelines on access to information on the integrity of Members of Parliament	There are various measures and processes of ensuring the integrity of Members of Parliament; level of adherence is severely limited; there are hardly any consequences for non-adherence to laid-down requirements and ethical procedures There are various mechanisms of ascertaining the integrity of Members of Parliament but they are neither sufficiently implemented nor adhered to There are significant obstacles to accessing information on the integrity of Members of Parliament	There are various measures and processes of ensuring the integrity of Members of Parliament; level of adherence is severely limited; there are hardly any consequences for non-adherence to laid-down requirements and ethical procedures There are various mechanisms of ascertaining the integrity of Members of Parliament but they are neither sufficiently implemented nor adhered to There are significant obstacles to accessing information on the integrity of

Parameters	Burundi	DRC	Kenya	Rwanda	S. Sudan	Tanzania	Uganda
Parliaments' Structures & Systems	<p>Public information on Parliament's structures and systems severely limited</p> <p>Very general information on Parliament's structures and systems is available on the website</p> <p>Very low level of accessibility to information on Parliament's structures and systems by the public</p>	<p>Public information on Parliament's structures and systems severely limited</p> <p>Very general information on Parliament's structures and systems is available on the website</p> <p>Very low level of accessibility to information on Parliament's structures and systems by the public</p>	<p>Members of Parliament</p> <p>Public information on Parliament's structures and systems is largely available</p> <p>There is sufficient public information on Parliament's structures and systems</p> <p>Very high level of accessibility to information on Parliament's structures and systems by the public</p>	<p>Public information on Parliament's structures and systems is largely available</p> <p>There is sufficient public information on Parliament's structures and systems</p> <p>Very high level of accessibility to information on Parliament's structures and systems by the public</p>	<p>Public information on Parliament's structure and systems severely limited</p> <p>Very general information on Parliament's structures and systems is available on the website</p> <p>Near nil accessibility to information on Parliament's structures and systems by the public</p>	<p>Public information on Parliament's structures and systems is largely available</p> <p>There is sufficient public information on Parliament's structures and systems</p> <p>Very high level of accessibility to information on Parliament's structures and systems by the public</p>	<p>Members of Parliament</p> <p>Public information on Parliament's structures and systems is largely available</p> <p>There is sufficient public information on Parliament's structures and systems</p> <p>Very high level of accessibility to information on Parliament's structures and systems by the public</p>
Policies	<p>Parliamentary policies are not public</p> <p>There are concerns that most Parliamentary policies are neither comprehensive nor up to date.</p> <p>There is no public participation in the process of formulating and reviewing of Parliamentary policies</p> <p>Mechanisms of implementation</p>	<p>Parliamentary policies are not public</p> <p>There are concerns that most Parliamentary policies are neither comprehensive nor up to date.</p> <p>There is no public participation in the process of formulating and reviewing of Parliamentary policies</p> <p>Mechanisms of implementation</p>	<p>Parliamentary policies are public</p> <p>Some Parliamentary policies are neither comprehensive nor up to date.</p> <p>There is limited to no public participation in the process of formulating and reviewing of Parliamentary policies</p> <p>Mechanisms of implementation of Parliamentary policies and consequences of</p>	<p>Not all Parliamentary policies are public</p> <p>There are concerns that most Parliamentary policies are neither comprehensive nor up to date.</p> <p>There is no public participation in the process of formulating and reviewing of Parliamentary policies</p> <p>Mechanisms of implementation</p>	<p>Parliamentary policies are public</p> <p>There are concerns that most Parliamentary policies are neither comprehensive nor up to date.</p> <p>There is no public participation in the process of formulating and reviewing of Parliamentary policies</p> <p>Mechanisms of implementation of Parliamentary</p>	<p>Parliamentary policies are public</p> <p>There are concerns that most Parliamentary policies are neither comprehensive nor up to date</p> <p>There is no public participation in the process of formulating and reviewing of Parliamentary policies</p> <p>Mechanisms of implementation of Parliamentary policies and consequences of</p>	<p>Parliamentary policies are public</p> <p>There are concerns that most Parliamentary policies are neither comprehensive nor up to date</p> <p>There is no public participation in the process of formulating and reviewing of Parliamentary policies</p> <p>Mechanisms of implementation of Parliamentary policies and consequences of</p>

Parameters	Burundi	DRC	Kenya	Rwanda	S. Sudan	Tanzania	Uganda
	of Parliamentary policies and consequences of non-implementation (both in regulation and practice) are not public	of Parliamentary policies and consequences of non-implementation (both in regulation and practice) are not public	non-implementation (both in regulation and practice) are public but with limited public participation	of Parliamentary policies and consequences of non-implementation (both in regulation and practice) are not public	policies and consequences of non-implementation (both in regulation and practice) are not public	Mechanisms of implementation of Parliamentary policies and consequences of non-implementation (both in regulation and practice) are not public	non-implementation (both in regulation and practice) are public but public participation is very limited
Budgets and Expenditures	The Parliamentary process of national budget making is not clear Not clear if there is public participation in national budget making There is limited published information on the budget making process The process and participation on budgetary amendments including introduction of supplementary budgets unclear and not open to public participation No mechanism of scrutinizing and overseeing Parliament's own budget	The Parliamentary process of national budget making is not clear Not clear if there is public participation in national budget making There is limited published information on the budget making process The process and participation on budgetary amendments including introduction of supplementary budgets unclear and not open to public participation No mechanism of scrutinizing and overseeing Parliament's own budget	The Parliamentary process of national budget making is very clear There is public participation in national budget making There is sufficient published information on the budget making process The process and participation on budgetary amendments including introduction of supplementary budgets is clear and open to public participation No mechanism of scrutinizing and overseeing Parliament's own budget	The Parliamentary process of national budget making is very clear There is public participation in national budget making There is sufficient published information on the budget making process The process and participation on budgetary amendments including introduction of supplementary budgets is clear and open to public participation No mechanism of scrutinizing and overseeing Parliament's own budget	The Parliamentary process of national budget making is not clear Not public participation in national budget making There is limited published information on the budget making process The process and participation on budgetary amendments including introduction of supplementary budgets unclear and not open to public participation No mechanism of scrutinizing and overseeing Parliament's own budget	The Parliamentary process of national budget making is very clear There is public participation in national budget making There is sufficient published information on the budget making process The process and participation on budgetary amendments including introduction of supplementary budgets is clear and open to public participation No mechanism of scrutinizing and overseeing Parliament's own budget	The Parliamentary process of national budget making is very clear There is public participation in national budget making There is sufficient published information on the budget making process The process and participation on budgetary amendments including introduction of supplementary budgets is clear and open to public participation No mechanism of scrutinizing and overseeing Parliament's own budget

Parameters	Burundi	DRC	Kenya	Rwanda	S. Sudan	Tanzania	Uganda
Parliament-public relations	Levels of proximity and accessibility of Parliament by the public is too low Accessibility of Members of Parliament is good and there are some channels to the public to access and engage Members of Parliament Limited and unclear procedures of petitioning Parliament by the public No public guidelines or mechanism of tracking the process and outcomes of public petitioning of Parliament Monitoring the work of Parliament by the relevant actors including CSO, Media and the public is very difficult # There are limited channels of contact between Parliament and the public such as Parliamentary open days	Levels of proximity and accessibility of Parliament by the public is too low Accessibility of Members of Parliament is good and there are some channels to the public to access and engage Members of Parliament Limited and unclear procedures of petitioning Parliament by the public No public guidelines or mechanism of tracking the process and outcomes of public petitioning of Parliament Monitoring the work of Parliament by the relevant actors including CSO, Media and the public is very difficult # There are limited channels of contact between Parliament and the public such as Parliamentary open days	Levels of proximity and accessibility of Parliament by the public is low Whilst there are some channels to the public to access and engage Members of Parliament, accessibility of Members of Parliament by the public is poor There are clear procedures of petitioning Parliament by the public The mechanism of tracking the process and outcomes of public petitioning of Parliament is weak Monitoring the work of Parliament by the relevant actors including CSO, Media and the public is good There are limited channels of contact between Parliament and the public	Levels of proximity and accessibility of Parliament by the public is low There are channels to the public to access and engage Members of Parliament; accessibility of Members of Parliament by the public is good There are no clear procedures of petitioning Parliament by the public Parliament by the public The mechanism of tracking the process and outcomes of public petitioning of Parliament is non-existent Monitoring the work of Parliament by the relevant actors including CSO, Media and the public is poor There are sufficient channels of contact between Parliament and the public	Levels of proximity and accessibility of Parliament by the public is too low Accessibility of Members of Parliament is good and there are some channels to the public to access and engage Members of Parliament The procedures of petitioning Parliament by the public is unclear and/or unknown Guidelines or mechanism of tracking the process and outcomes of public petitioning of Parliament is unclear or unknown Monitoring the work of Parliament by the relevant actors including CSO, Media and the public is poor There are limited channels of contact between Parliament and the public	Levels of proximity and accessibility of Parliament by the public is low Whilst there are some channels to the public to access and engage Members of Parliament, accessibility of Members of Parliament by the public is poor There are clear procedures of petitioning Parliament by the public The procedures of petitioning Parliament by the public are unclear The mechanism of tracking the process and outcomes of public petitioning of Parliament is weak Monitoring the work of Parliament by the relevant actors including CSO, Media and the public is good There are limited channels of contact between Parliament and the public	Levels of proximity and accessibility of Parliament by the public is moderate Whilst there are some channels to the public to access and engage Members of Parliament, accessibility of Members of Parliament by the public is low There are clear procedures of petitioning Parliament by the public The mechanism of tracking the process and outcomes of public petitioning of Parliament is weak Monitoring the work of Parliament by the relevant actors including CSO, Media and the public is good There are limited channels of contact between Parliament and the public

6.0. Consolidated Parameters and Indicators for Measuring Parliamentary Openness of the EAC Member Countries

A summary of the above, informed by the issues that informants, who were reached for consultations placed weight, led to the consolidation of the following parameters and cross-cutting indicators. These parameters and indicators will be useful in assessing Parliamentary openness in EAC in view of developing the EA-OPI.

This summary is categorized into the already discussed three pillars of the OPI plus a fourth one on ethical conduct. In reiteration, the fourth pillar (ethical conduct) is not a new entrant but rather a consolidation of elements of integrity from the rest of the pillars, as contained in the OPI.

Pillars	Parameters	Indicators
Transparency	Information sharing	<ul style="list-style-type: none"> • Publication of details of Parliament’s work • Channels of information sharing on Parliamentary work • Accessibility of published materials on the work of Parliament • Live coverage/streaming of Parliamentary proceedings • Providing multiple channels for accessing information • Allowing downloadability for reuse • Linking related information • Using easy and stable search mechanisms
	Public ownership of Parliamentary information	<ul style="list-style-type: none"> • Sharing of information on where and how to access Parliamentary documents • Legal and policy frameworks on access to parliamentary documents • Mechanisms of verifying authenticity of Parliamentary information • Mechanism of recourse in view of misinformation and/or disinformation on Parliamentary work
	Timely and accurate Parliamentary information	<ul style="list-style-type: none"> • Procedures on when and how parliamentary information is shared • A guideline on the duration between production and publication of Parliamentary information • Mechanisms of verification of Parliamentary information • Mechanisms for clarification of Parliamentary information • Maintaining Parliamentary websites

Public Accountability	Recording Parliamentary votes	<ul style="list-style-type: none"> • Enabling use of alert services • Making parliamentary voting public • Guidance on how to keep the record of parliamentary voting • Mechanism of tracking parliamentary voting • Framework for implementation of parliamentary vote that is accessible to the public
	Ensuring that plenary and Committee proceedings are public and accessible	<ul style="list-style-type: none"> • Publicizing the procedures of plenary and committee proceedings • Publication and sharing of items for plenary and Committee proceedings discussions prior to sessions • Livestreaming of plenary and Committee sessions • Timely publication and sharing of plenary and committee proceedings • Publication and sharing of outcomes of plenary and Committee proceedings • A framework for public participation in plenary and Committee proceedings • A follow-up mechanism on the implementation of outcomes of plenary and Committee proceedings
	Publishing reports created by or provided to Parliament	<ul style="list-style-type: none"> • Guidelines on Parliamentary publication • Platforms or sites of access to consolidated Parliamentary documents, e.g. database, repositories, libraries etc • Publicized simple procedures of public access to sites containing parliamentary documents • Mechanisms of clarifying information contained in parliamentary documents
	Public access Parliamentary budget and expenditures	<ul style="list-style-type: none"> • Mechanisms of verifying and clarifying information contained in parliamentary documents • An operational independent parliamentary oversight mechanism • Procedures and/or instruments guaranteeing high standards and transparent parliamentary auditing

		<ul style="list-style-type: none"> Publicly available accountability measures at the institutional level of Parliament, including open budgeting, the publication of annual expenses, or public hearings, among others, ensuring that these initiatives are carried out with transparency and are effectively disseminated Accessible digital platforms for Parliamentary budget tracking A framework for strengthening the requirement for transparency and accountability budget legislation with the aim of publishing and justifying all parliamentary expenses and priorities A framework on Parliamentary access technical capacity on transparent budgeting and budget tracking
	Historical records/ information	<ul style="list-style-type: none"> Existence of a well-maintained and sufficiently resourced parliamentary archives Guidance on public access to parliamentary archives Digitization of parliamentary archives
	Accountability of Members of Parliament	<ul style="list-style-type: none"> Accountability measures for each Member of Parliament, including the development of a standard model for Parliamentarians' accountability reports on their legislative and political work, to be produced on a periodic basis. A publicly accessible record of the activities of every Member of Parliament A recorded public profile of all Members of Parliament A statement on each Member of Parliament's commitments prior to their term of office, to allow for comparison with their actions in their role during their term
	Parliamentary independence	<ul style="list-style-type: none"> A legal framework on Parliament's independence A framework for resolving disputes between the arms of governments

		<ul style="list-style-type: none"> • A public record on how intergovernmental disputes are resolved • A profile of the nature and competence of the leadership of Parliament • A framework of holding the other arms of government, especially the Executive to account • A publicly accessible record on how Parliament holds the Executive and the Judiciary to account • Sound laws and clear guidelines on Parliament's role in budgetary allocation to other arms of government as well as independent and oversight bodies and mechanisms
<p>Civic Participation</p>	<p>Ensuring physical access</p>	<ul style="list-style-type: none"> • A mechanism that ensures ease physical access to Parliament premises • Mechanism that ensure that Parliamentary environment is public friendly • Accessibility of Parliament to persons with disabilities
	<p>Guaranteeing access by the media</p>	<ul style="list-style-type: none"> • Guidelines on unrestricted access of Parliament by the media • Guidelines on the media's usage and reproduction of Parliamentary resources, records and information • Guidelines on interpretation and translation of Parliamentary information • Channels of verifying parliamentary information by the media • A parliamentary media liaison office
	<p>Public participation in legislative and other Parliamentary work</p>	<ul style="list-style-type: none"> • Adequately dissemination of information demonstrating the importance of citizen participation and explaining the mechanisms by which such participation is made possible • Initiatives of civic education to educate the raise public awareness on citizen participation • Publishing information on citizen participation in Parliament's website

		<ul style="list-style-type: none">• Sharing information on citizen participation through other channels including radio, television, and social networks• Mechanisms of ensuring that there is a legislative framework for effective citizen involvement, that is known to the public and implemented• A framework for identifying, defining, and applying methods and mechanisms to encourage citizens' participation in formulating, approving, and making decisions on legislation• Formalized spaces for participation within legislative debates, with the possibility of making specific contributions through the use of technology such as petitions, public hearings, and other online mechanism for citizen feedback• Platforms for consultations and public hearings with citizens in order for Parliament to gain insight into the public interests• Mechanisms, such as an open office policy• Developing a joint oversight agenda, and the internet, such as websites that allow comments, radio programs with opportunities for listeners to call in and comment, and email requests to legislators• A mechanism to ensure that in-person meetings are held in accessible and safe locations and at convenient times. Also appropriate support and services should be offered to reduce difficulties that prevent citizens' meaningful participation• A mechanism of publishing descriptions of the activities that will be carried out, adopting mechanisms to allow vulnerable groups to participate, and taking measures to record activities and make information available such as the number of participants, the location, the subject
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		matter, and the proposals or agreements made
	Facilitating access throughout the country	<ul style="list-style-type: none"> • Devolving Parliamentary offices, for example having Parliamentary liaison offices in Provinces, Counties, Districts etc. • Initiatives that bring parliamentary work closer to the people, for example, holding some parliamentary sessions in the Provinces, Districts or Counties etc. • Ensuring that coverage of Parliamentary proceedings, e.g., live streaming of plenary proceedings is accessible in the entire territory of the Republic
	Parliamentary engagement with civil society	<ul style="list-style-type: none"> • Platforms for and channels of Parliamentary engagement and interactions with CSOs • Availability of PMOs and how Parliament works with them • Parliamentary initiatives aimed at opening and/or enhancing civic space and safeguarding independency of civil society • Frameworks of formal collaboration between Parliament and civil society • Channels through which civil society supports the work of Parliament
	Accessibility of Parliamentary resources	<ul style="list-style-type: none"> • Using accessible and plain language • Using multiple national or working languages • Using sign, braille and other languages for persons with disabilities • Granting free access to web-based information • Ensuring technological usability
	Protecting citizen privacy	<ul style="list-style-type: none"> • Legal and policy framework on safeguarding privacy • Mechanisms for ensuring digital security when accessing and interacting with Parliamentary work and resources online • Legal redress for violation of privacy
	Facilitating two-way communication	<ul style="list-style-type: none"> • A mechanism for feedback and feed-forth management

		<ul style="list-style-type: none"> • A framework for the public to influence Parliament’s work • A platform for the public to access and inform their Members of Parliament
Ethical Conduct	Safeguarding democracy, human rights, and rule of law	<ul style="list-style-type: none"> • Upholding the Constitution and the rule of law • Defending, protecting human rights and democracy • Respecting and defending democratic institutions
	Serving the public interest	<ul style="list-style-type: none"> • Contributing to effective governance • Acting diligently • Serving and engaging constituents • Acting transparently and in good faith
	Ensuring public integrity	<ul style="list-style-type: none"> • Exercising proper stewardship of public resources • Avoiding conflicts of interest and improper influence • Disclosing business relationships and financial information
	Acting professionally	<ul style="list-style-type: none"> • Acting with civility and decorum • Treatment of parliamentary staff • Protecting confidentiality
	Valuing diversity and pluralism	<ul style="list-style-type: none"> • Atmosphere of inclusion • Valuing political pluralism • Reasonable accommodations to facilitate the full participation of people with disabilities in the parliamentary structures and processes • Zero tolerance to all forms of hate speech or intimidation, whether based on race, ethnicity, gender, religion, minority status, or other basis
	Disclosing and tracking assets and wealth of Members of Parliament	<ul style="list-style-type: none"> • A mechanism for disclosure of assets and declaration of wealth by Members of Parliament at the start of their term • A lifestyle audit for Members of Parliament at the start of their term • A mechanism for tracking the assets and lifestyles of Members of Parliament

		<ul style="list-style-type: none"> • A mechanism for scrutinising suspicious growth in asset-base and change of lifestyle by Members of Parliament • A legal framework for holding to account Members of Parliament who are found to have illegally acquired assets and wealth through illegitimate and/or illegal means • A mechanism for reclaiming assets and public wealth acquired illegally by Members of Parliament
	Disclosing information on unethical conduct and potential conflicts of interest	<ul style="list-style-type: none"> • A framework for Members of Parliament to declare conflict of interest • A mechanism to ascertain conflict of interest in cases where Members of Parliament fail to declare • A mechanism of holding to account Members of Parliament who fail to disclose and/or are engaged in actions that involve conflict of interest • A framework for members of public to report cases of conflict of interest and unethical conduct by Members of Parliament • A mechanism for protecting members of the public in the event of disclosing the conflict of interest and/or unethical conduct by Members of Parliament
	Public support to Parliamentary integrity	<ul style="list-style-type: none"> • A framework of adopting a whistle-blower legislation to protect the rights of citizens who denounce corruption, fraud or wrongdoing and create mechanisms that allow whistleblowers to discretely or anonymously report instances of misconduct

7.0. Conclusion

The OPI process that Mzalendo, under the APMON has been a party, is a milestone in the contribution of PMOs to enhancing Parliamentary openness in Africa and in turn strengthening democracy on the continent. Already the OPI has been developed and operationalized in West Africa marking a major step forward in actualization of the APMON's objectives of the use of OPI to assess Parliamentary openness in Africa.

Mzalendo's initiative of assessing the status of National Parliaments of the EAC Member Countries, which is a mid-level outcome in its initiative of customizing and contextualizing the OPI in East Africa,

contributes to the realization of APMON's objectives. Equally, this undertaking, enhances the PNAfrica's role of improved collaboration between National Parliaments in East Africa and PMOs, as well as other relevant CSOs.

Following this comprehensive assessment which provides an up-to-date overview of the status of openness in the national Parliaments of the EAC Member Countries, and based on the consolidated parameters and indicators, Mzalendo will proceed to develop the EA-OPI and avail it for period assessment and scoring of respective Parliaments. This will, in turn, contribute to the co-creation of necessary reforms and devising of strategies that will strengthen parliamentary openness to enable Parliaments to be more transparent, accountable and better involve the public in their work.

As is the case with the OPI, the outcome of this assessment of the status of National Parliaments of the EAC Member Countries, and the eventual contextualization of the OPI under the EA-OPI, will serve as the baseline to which improvements in parliamentary openness in the various Countries, in the region, and beyond, will be periodically assessed in view of monitoring the level of transparency, as well as measuring progress in enhancing the principles of Open Parliament in East Africa and the Continent as a whole. Generally, the classification of good practices and measurement of parliamentary openness criteria entails that:

(i) Transparency includes tools that:

- Systematize regulations and facilitate access, updates, history of laws and searches
- Facilitate the TV transmission or streaming of sessions and committees so citizens can directly observe the debate
- Promote entities/units responsible for promoting transparency in the legislature

(ii) Public accountability includes tools that:

- Record Parliamentary votes
- Publish records of plenary and committee proceedings
- Publish reports created by or provided to Parliament
- Provide information on the budget and expenditures
- Disclose assets and ensuring the integrity of Members of Parliament
- Disclose information on unethical conduct and potential conflicts of interest
- Provide access to historical records/ information

(iii) Citizen participation includes tools that:

- Facilitate citizens' participation in the legislative process and provide spaces for participation
- Inform the public about the work of the legislature and the process to adopt laws
- Allow citizens to participate in the appointment of autonomous authorities in cases where the legislature plays a role

(iv) Ethical conduct includes tools that:

- Safeguard democracy, human rights, and rule of law
- Serve the public interest
- Ensure public integrity
- Enhance professionalism
- Strengthen valuing diversity and pluralism

8.0. Proposed Actions to Strengthen Parliamentary Openness in the EAC Member Countries

This have been broadly categorized into two; those that are applicable to the respective Parliaments and those that are specific to Mzalendo's, and other PMOs' action. Whilst, the first are actions to be undertaken by Parliaments, Mzalendo and other PMOs can still support those actions over and above the second set of recommendations.

8.1. For Respective Parliaments

8.1.1. Transparency

- Ensure that there is legislation and regulatory frameworks on transparency and access to information in line with international standards, to ensure public access to information from Parliament and from political parties/movements, with the exception of classified information as defined by law
- Ensure that there is an operational policy for the management of public documents and archives to ensure that citizens have access to this information and that these documents are systematized, preserved, and captured electronically so they can be easily accessed and shared whenever there is need
- Adopt an open data policy in order to ensure that up-to-date parliamentary information, especially raw data, is available online in an open format and is standardized, machine-readable and free
- Identify responsible individuals and offices and ensure clear procedures for requesting and submitting public information, while at the same time setting out sanctions in case of any breaches
- Entrust individuals and offices with the mandate of interacting with the public to identify what information is being requested and in what formats it can be provided
- Invest in communications infrastructure to close the digital gap by using technology that allows digital access to information related to the activities and decisions of Parliaments for all
- Publish parliamentary information, applying both active and proactive transparency, including data and information on the role of Members of Parliament, structures and administrative expenses of Parliament, parliamentary agendas, committees and other parliamentary data that does not jeopardize national security or privacy. Information should also be available on Bills, committee agendas, debates within parliamentary committees and plenary sessions, legal flows, records of votes, reports and presentations made before committees or plenary sessions, attendance lists, or budgets attached to certain laws and activities
- Communicate information on the work of Parliament in the official national languages, in accessible formats, and via publicly accessible channels, in collaboration with CSOs as required. These may include: parliamentary library and the research products they produce; online information and session streaming; and devolved parliamentary liaison offices
- Establish an independent enforcement agency that is empowered to resolve any dispute concerning the obligation to disclose certain information in a timely manner. Put in place mechanisms that will ensure the independence of the agency through a fair and transparent appointment process for its commissioner and/or director or acting director, which includes public hearings with civil society

8.1.2. Public Accountability

- Put in place and ensure that procedures and/or instruments are in place in Parliaments to guarantee that any auditing activity or political oversight of the government is carried out with the highest standards of efficiency, efficacy, and transparency
- Come up with and implement accountability measures at the institutional level of Parliament, including open budgeting, the publication of annual expenses, or public hearings, among others, ensuring that these initiatives are carried out with transparency and are disseminated effectively and timely
- Come up with and implement accountability measures for each Member of Parliament, including the development of a standard model for Parliamentarians' accountability reports on their legislative and political work. The reports should include a record of the activities of every Member of Parliament and a statement on their commitments prior to their term of office, to allow for comparison and track record of their conduct and actions throughout their tenure
- Put in place mechanisms that facilitate accountability through digital and technological means. In other words, invests in digitizing parliamentary work and processes
- Strengthen the requirement for transparency and accountability in the budget legislation with the aim of publishing and justifying all expenses and priorities within parliamentary budgets, and obtain technical capacity in order to carry out these functions
- For oversight purposes, put in place an independent organ, mandated by law and empowered with expertise and resources sufficient and widespread enough to track and oversight parliamentary budget

8.1.3. Citizen Participation

- Adequately disseminate information demonstrating the importance of citizen participation and explaining the mechanisms by which such participation is made possible, through educational and public awareness sessions, by publishing information on Parliament's website, and by communicating it through other channels including radio, television, and social networks
- Ensure that there is a legislative framework for effective citizen involvement; make it known to the public and implement it
- Identify, define, and apply methods and mechanisms to encourage citizens' participation in formulating, approving, and making decisions on laws. Parliaments should formalize spaces for participation within legislative debates, with the possibility of making specific contributions through the use of technology, such as petitions, public hearings, and other online mechanisms for citizen participation, information sharing and feedback
- Encourage consultations and public hearings with citizens in order to gain insight into their interests, including the application of such mechanisms as an open office policy, developing a joint oversight agenda and so on
- Strengthen the work done by Members of Parliament, in their constituencies, by publishing descriptions of the activities that will be carried out, adopting mechanisms to allow vulnerable groups

to participate, and taking measures to record activities and make information available, such as the number of participants, the location, the subject matter, and the proposals or agreements made

- Adopt whistle-blower legislation to protect the rights of citizens who denounce corruption, fraud or wrongdoing and create mechanisms that allow whistleblowers to discretely or anonymously report instances of misconduct

8.1.4. Ethical Conduct

- Adopt good parliamentary practices and codes of conduct for Members of Parliament in line with the international principles, for example, as drafted by the National Democratic Institute (NDI), and the standards developed by the Commonwealth Parliamentary Association, and the Global Organization of Parliamentarians against Corruption (GOPAC)
- Ensure that Members of Parliament, particularly those who work on sensitive files or manage public funds, are trained on the provisions of the Parliament's code of conduct for ethical behavior
- Establish cooperation with international institutions and academic centers dedicated to fighting corruption and promoting transparency
- Adopt a law on lobbying that reflects international standards, for example, according to the guidelines provided for by TI, Access Info Europe, Sunlight Foundation and Open Knowledge, which includes a lobbying registry and the establishment of a code of conduct for lobbyists
- Adopt conflict of interest regulations for Members of Parliament that include the duty to disclose lobbying, duty to abstain, disqualifications from holding parliamentary office, full-time dedication to parliamentary activity, a sanction system, and the duty to disclose individual assets and interests
- Adopt rules to avoid practices that prevent or obstruct Members of Parliament from examining and debating proposed legislation or other parliamentary measures, for example, extra-legislative debates
- Promote the creation of an ethics and probity committee or agency to enforce provisions of the code of ethics for legislators. The committee should include an independent third party to ensure neutrality and impartiality in decisions made. The role, function, and authority of the committee should include the ability to initiate investigations, the ability to receive evidence and allegations, and the ability to request information relevant to the investigations from public institutions and to sanction infractions to the code of conduct or relevant legislation
- Establish an office with the technical capacity to support the ethics and probity committee or agency, that can disseminate the code of conduct among Members of Parliament and train them on it, review declarations of interest and assets, initiate investigations and support Members of Parliament with consultations and other related processes
- Establish a mechanism within Parliament to apply the regulations in the code of conduct, such as whistleblowing systems, consultations and protection of the complainant
- Adopt gender equality policies, standard operating procedures and establish an office charged with the promotion and revision of parliamentary practices to institutionalize a gender perspective, ensure gender equality and prevent discrimination

8.2. Recommended Actions by Mzalendo

For Mzalendo and other PMOs in the region and Africa, as a whole, the focus is to work towards enhancing Parliamentary openness. To do this targeted advocacy and strategic engagements are paramount. Given the fact that there are huge variations between national Parliaments of the EAC Member Countries, in terms of political systems, models of the state, levels of democratization and institutions of governance, resources and contexts, not all open Parliament initiatives will look the same. Equally the duration of commitments, programs and plans per each Parliament will differ due to structural and functional designs of relevant Parliaments.

If the country is participating in the Open Governance Plans (OGP),²² for example, the focus should be on how these commitments or plans are designed and implemented. They can be either stand-alone commitments as part of the National Action Plan (NAP), like Kenya's²³ or form a separate Parliament policy, program and process. In the case of bicameral parliamentary systems, it may be that just one chamber adopts a plan or comes up with an initiative on enhancing parliamentary openness while the other chamber does not. Where open Parliament plans or commitments are included in a country's AP, they will be subject to evaluation by the OGP independent review mechanism, to which Mzalendo participates, while those that are not should devise their own mechanism with the support of Mzalendo and other PMOs.

Meanwhile, the following have been identified as some of the key recommendations for Mzalendo, and other PMOs, in the region.

- Supporting national Parliaments of the EAC Member Countries to either join the OGP or come up with their own Open Parliament Plans (OPPs) which are either separate from or part of the AP, as cases may be
- Come up with simplified mechanism of evaluating OPPs for National Parliaments of EAC Member Countries that are not part of the OGP
- Engaging in targeted measures aimed at supporting the establishment of Independent Parliamentary oversight mechanism; an ombudsman or "watcher of the watcher" particularly for overseeing parliamentary budgets
- Develop the maiden EA-OPI and conduct annual assessment in view of keeping an up-to-date EA-OPI for greater legitimacy from voluntary exposure to outside assessment, raised national and international profile of the Parliament's transparency agenda, improved access to resources to support implementation, notably via the OGP Support Unit and better opportunities to collaborate with other sectors over wider openness agenda and reforms
- Support the formation and/or enhancement of PMOs in each EAC Member Country and come up with or strengthen a collaborative framework and/or platform for peer learning and continued collaborative engagement on Parliamentary openness across the region
- Develop a contextual framework for citizen participation in parliamentary work to enhance open Parliaments in EAC. This can be in the form of resource pack comprising a manual and/or guide to citizen participation in parliamentary work

²²For Kenya's OGP-NAP see: https://www.opengovpartnership.org/wp-content/uploads/2021/03/Kenya_Action-Plan_2020-2022.pdf

²³For Kenya's OGP-NAP see: https://www.opengovpartnership.org/wp-content/uploads/2021/03/Kenya_Action-Plan_2020-2022.pdf

- Support efforts for the development of a mechanisms of keeping a public record of Parliamentary voting

9.0. Appendices

9.1. Appendix One: The Consultations Guide

For purposes of obtaining relevant information from targeted informants, the following semi-structured conversational guide was used for prompting and guiding the conversations during the consultations.

Parameters	Issue area and aspects to identify, assess and record
Parliamentary information	Generation and retention of authoritative records of parliamentary proceedings and actions
Media Platforms for Parliamentary Access	Number, accessibility, quality of available channels of accessing Parliamentary proceedings and relevant information
Parliamentary websites	Availability of the website, its nature and design, accessibility and easy of navigation. The amount, quality and timeliness of the information shared on the relevant websites
Parliamentary Committees and Plenary	The nature of conducting business both in plenary and committees; accessibility to the public, openness to the public; sharing of information both during and after those sessions; what information is shared when and how and who can access it. Feedback and forth between the public and parliamentary proceedings both at committee and plenary levels
Bills and Legislation process	The process of drafting of Bills and pieces of legislation; the level of public participation in contributing to content and process i.e. nature and level of public participation allowed and supported throughout the drafting and processing of Bills and pieces of legislation
Parliamentary voting	The nature and process of Parliamentary voting. Records of Parliamentary voting and process of and action on the outcomes of the vote
The Integrity of Members of Parliament	Measures and processes of ensuring the integrity of Members; level of adherence; consequences of non-adherence to laid down requirements and ethical procedures. The nature and process of information on the integrity of Members. Who can access this information, how, when and for what purposes
Parliaments' Structures & Systems	Information on Parliament's structure and systems. Nature of information on Parliament's structure and systems is available, its format and levels of accessibility as well as how it can be processed and consumed by the public and other relevant actors
Policies	The nature of Parliamentary policies; how comprehensive they are i.e. do they cover all key aspects of Parliamentary work ad conduct, are they up to date? The nature and process of formulating and review Parliamentary policies. Level of public

	input and participation in formulation and review of Parliamentary policies. Mechanisms of implementation of Parliamentary policies and consequences of non-implementation both in regulation and practice
Budgets and Expenditures	The process of national budget making and how accessible and participatory it is. Published information on the budget making process. The process and participation on budgetary amendments including introduction of supplementary budgets. Additionally, the accessibility of Parliament's own budget and how open it is to public scrutiny.
Parliament-Public Relationship	Levels of proximity and accessibility of Parliament by the public. Accessibility of Members of Parliament; what available channels are available to the public to access and engage Members. Petitioning of Parliament by the public, nature and process and outcomes of public petitioning of Parliament. The easy of monitoring the work of Parliament by the relevant actors including CSO, Media and the public. Other available channels of contact between Parliament and the public, such as Parliamentary open days

9.2. Appendix Two: The Proposed Model of the EA-OPI Assessment Tool

To operationalize the foregoing indicators and use them in the EA-OPI, the following approach is proposed based on the assessment of the status of the national Parliaments of the EAC Member Countries and global best practices. This tool has two main parts. Part one comprises of the Questionnaire that will be used to assess and score relevant Parliaments and part two comprises of the outlook of the score that is presented in a traffic light model. It should be noted that these tools are subject to further refinement as cases may be.

Part I: The Proposed Design of the Questionnaire

A. Transparency

1. Publication of details of Parliament's work

Q. Does the legal framework articulate sharing of Parliamentary work as one of the functions of Parliament?

[0] There is no law articulating sharing of parliamentary works a duty of Parliament

[1] The law articulating sharing information on parliamentary work as a duty of Parliament is weak

- [2]** The legal framework articulating sharing information on parliamentary as a duty of Parliament is yet to be implemented
 - [3]** The legal framework articulating sharing information on parliamentary work as a duty of Parliament is partially implemented
 - [4]** The legal framework articulating sharing information on parliamentary work as a duty of Parliament is fully implemented
- B. Public Accountability**
- 2.** Public record of Parliamentary voting
- Q.** Does the legal framework require Parliament to keep a public record of Parliamentary voting?
- [0]** There is no legal framework requiring Parliament to keep a public record of Parliamentary voting
 - [1]** The legal framework requiring that Parliament keeps a public record of Parliamentary voting is weak
 - [2]** The legal framework requiring Parliament to keep a public record of Parliamentary voting has not been implemented
 - [3]** The legal framework requiring Parliament to keep a public record of Parliamentary voting is partially implemented
 - [4]** The legal framework requiring Parliament to keep a public record of Parliamentary voting is fully implemented
- C. Citizen Participation**
- 3.** Ensuring physical access to Parliament
- Q.** Is there a guidance on ease access of Parliament by the public?
- [0]** There is no guidance on ease access of Parliament by the public
 - [1]** The guidance on access of Parliament by the public does not allows easy access
 - [2]** There is a guidance on ease access of Parliament by the public but it is not implemented
 - [3]** There is a guidance on ease access of Parliament by the public that is partially implemented
 - [4]** There is a guidance on ease access of Parliament by the public that is fully implemented
- D. Legal and Ethical Conduct**

4. Disclosing information on unethical conduct and potential conflicts of interest

Q. Does the legal framework articulate disclosing information on unethical conduct and potential conflicts of interest?

[0] There is no legal framework articulating disclosing information on unethical conduct and potential conflicts of interest

[1] The legal framework articulating disclosing information on unethical conduct and potential conflicts of interest is weak

[2] The legal framework articulating disclosing information on unethical conduct and potential conflicts of interest is unimplemented

[3] The legal framework articulating disclosing information on unethical conduct and potential conflicts of interest is partially implemented

[4] There is a fully implemented legal framework articulating disclosing information on unethical conduct and potential conflicts

Note: All the indicators as contained in section 6.0 of this report to be converted to questions with similar multiple choices, as above hence forming the tool that will be used in assessing and scoring Parliamentary openness.

Part II: The Proposed Representation of the EA-OPI



The above tool allows users to visualize, compare and track Parliaments' progress and achievements in their commitments to parliamentary openness using a traffic light model. This is a point-based score with each of the indicators weighing between 0 and 4 points. Each indicator is to be measured against the following model and the results aggregated to provide the final score for each parameter. The final score for each parameter will be different since parameters have different number of indicators. The cumulative points from all the parameters for each pillar becomes the final score for each assessed Parliament in the EA-OPI. The following is the proposed schedule for measuring and scoring specific indicators using data obtained from the questionnaire presented in appendix two above.

Pillar	Parameter	Indicator	Rating	Evidence
Pillar 1	Parameter 1	Indicator 1		
Pillar 2	Parameter 1	Indicator 1		
		Indicator 2		
Pillar 3	Parameter 1	Indicator 1		
		Indicator 2		
		Indicator 3		
	Parameter 2	Indicator 1		
		Indicator 2		
		Indicator 3		
	Parameter 3	Indicator 1		
		Indicator 2		
		Indicator 3		
Pillar 4	Parameter 1	Indicator 1		
		Indicator 2		
		Indicator 3		
		Indicator 4		
	Parameter 2	Indicator 1		
		Indicator 2		
		Indicator 3		
		Indicator 4		
	Parameter 3	Indicator 1		
		Indicator 2		
		Indicator 3		
		Indicator 4		
	Parameter 4	Indicator 1		
		Indicator 2		
		Indicator 3		
		Indicator 4		



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