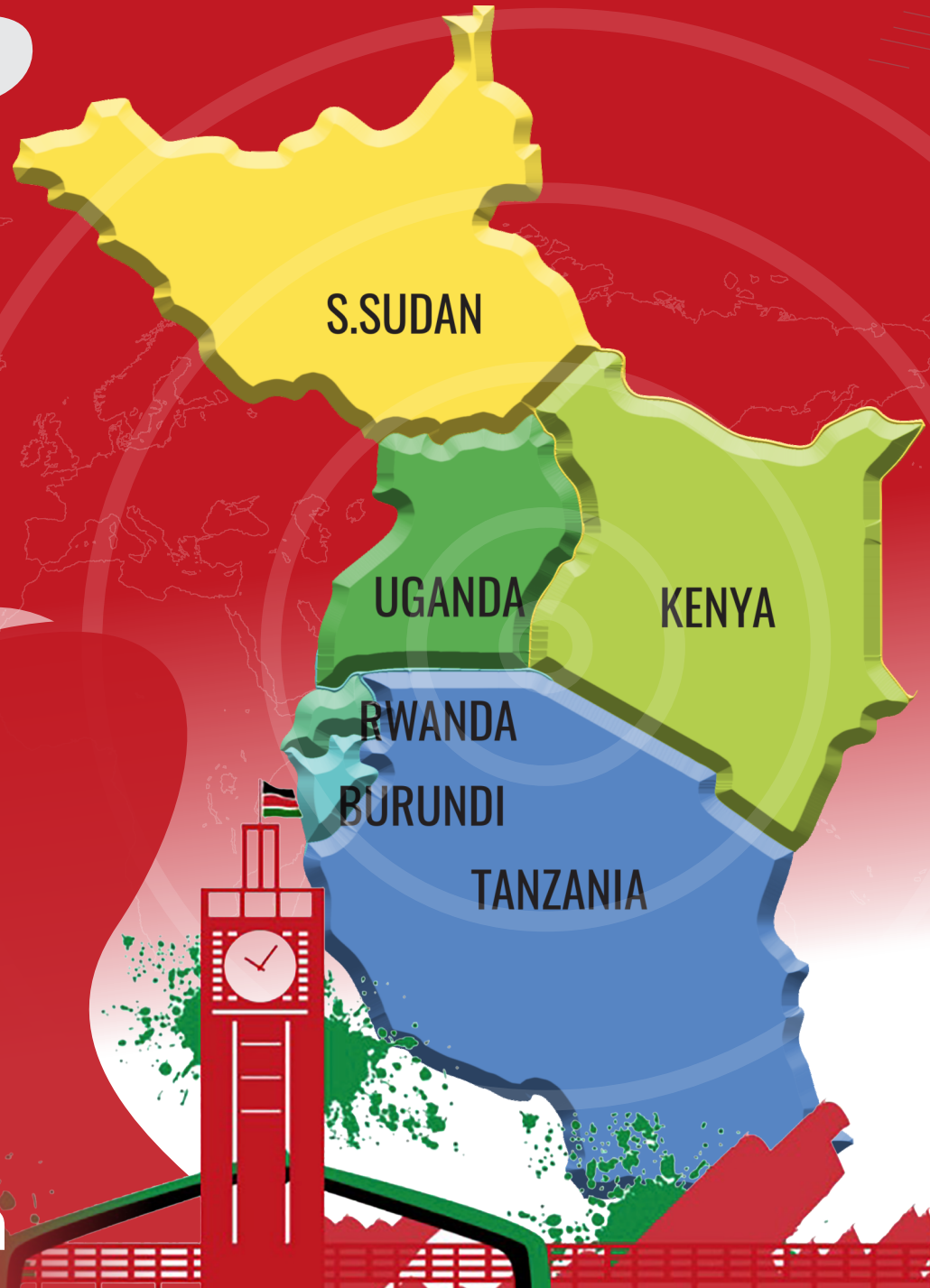




MZALENDO



**Towards
Legislative
Openness in
Eastern Africa**



Towards Legislative Openness in Eastern Africa

POLICY BRIEF



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1.0. Executive Summary

On 23rd and 24th February 2023, Mzalendo Trust¹ convened a Regional Parliamentary Monitoring Organizations (PMOs) Conference, in Nairobi, Kenya targeting PMOs across Sub-Saharan Africa to increase dialogue and collaboration among them. Themed Watching the Watchdog: Strengthening Citizen Watch in Parliaments across the Region, the conference was a momentous occasion that brought together members of PMOs and other key stakeholders including Parliamentarians, state actors and line journalists to reflect, share experiences, lessons learnt, best practices and opportunities with respect to open and accountable Parliaments in their respective contexts.

The objectives of the conference were:

- Formalization of the establishment of the East African Chapter of Africa Parliamentary Monitoring Organizations Network (APMON)
- Provision of a platform for peer learning and dialogue among East African PMOs on legislative openness practices
- Creation of awareness of the APMON constitutive framework and the formal means of joining the network

- Strengthening of the collaboration and coordination among African PMOs towards increased open Parliaments
- Exploring ways of engaging with the various domestic and the regional Parliaments such as the East African Legislative Assembly (EALA) and the Pan- African Parliament (PAP)
- Sharing of lessons from the West African Open Parliamentary Index (OPI) and the East African Baseline on Parliamentary Openness
- Encouraging the uptake of the OPI in the Eastern Africa region

The outcomes of the conference were:

- Enhanced synergy, coordination, and collaboration among African PMOs
- Enhanced transparency and accountability within domestic and regional Parliament across the region

¹Mzalendo (“Patriot” in Swahili) Trust is a Kenyan non-partisan Parliamentary Monitoring Organization (PMO) that was established in 2005 and whose mission is to promote open, inclusive, and accountable Parliaments in Kenya and Africa.





- Enhanced understanding and interest towards collaboration and development of an African Parliamentary community of practice through APMON
- Deliberations during the conference resulted in key highlights touching on the status of legislative openness of Parliaments across Eastern Africa, status of other regions on the continent, experiences and best practices for knowledge sharing, cross-learning and advocacy. Key highlights included:
 - Mechanisms of supporting national Parliaments of the EAC member countries to either join the Open Government Partnership (OGP) or come up with their own Open Parliament Plans (OPPs) which are either separate from or part of the African Parliamentary Index (API), as cases may be
 - Devising a simplified mechanism of evaluating OPPs for National Parliaments of Eastern African 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 and sharing lessons across the region

- Developing the maiden EA-OPI and commencement of 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

Supporting the formation and/or enhancement of PMOs in countries across Eastern Africa and coming up with or strengthening a collaborative framework and/or platform for peer learning and continued collaborative engagement on Parliamentary openness across the region

Developing a contextual framework for citizen participation in parliamentary work to enhance open Parliaments in Eastern Africa. This can be in the form of resource pack comprising a manual and/or guide to citizen participation in parliamentary work

The key recommendations from the conference were:

- Establishment and operationalization of a platform, including through digital tools, for evidence gathering, data harnessing and information sharing on Parliamentary openness across Eastern Africa region. This include a determination of the nature





and quality of data to be obtained, how and by whom and establishment of an accessible and up-to-date Parliamentary knowledge hub

- Establishment of an advocacy and action plan on Parliamentary openness. This includes mechanisms of reaching out to citizens and streamlining relationships between Parliaments and the public and simplifying and disseminating Parliamentary information hence rendering it readily available and accessible to the people

- Establishment and operationalization of a collaborative and inclusive regional network on Parliamentary openness that among others include a mechanism of information sharing, knowledge exchanges and a joint advocacy strategy
- Leveraging on technological innovation to enhance Parliamentary openness across the Eastern Africa region. This include identifying and building effective and accessible technological platforms for Parliamentary information gathering and sharing

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2.0. Contextual Overview

2.1. Background and Rationale

Mzalendo aims to continuously promote collaboration between PMOs and Parliaments to co-create reforms, policies and action plans that strengthen national and sub-national Parliaments to effectively perform their roles of oversight, law-making and representation.

As part of its strategy Mzalendo collaboratively intends to develop the EA-OPI. The EA-OPI shall be a tool for periodic assessment of levels of Parliamentary openness of National Assemblies in the Eastern Africa region. Apart from customization of the OPI, the EA-OPI will draw out on indicators from global best practices on Parliamentary openness as well as the minimum standards in Parliamentary transparency, civic participation and public accountability. The assessments and rankings will not only gauge the performance in terms of levels of openness but also identify gaps in the openness of the Parliaments in question in addition to identifying and amassing success stories for peer learning in view of enhancing the role of Parliaments in democratic governance in Eastern Africa. Furthermore, the assessment and ranking will identify and prioritize pressing and urgent issues hence make actionable recommendations aimed at contributing to improved

efficacy and progress as far as the level of openness in the assessed Parliaments is concerned.

The EA-OPI will go a long way in advancing parliamentary openness of the national Parliaments of Eastern Africa countries by identifying gaps and recommending ways of strengthening parliamentary institutions towards more open Parliaments in the region. The index will equally set the basis for identification, comparison of levels of Parliamentary openness within Eastern Africa as well as across Africa based on the OPI and international best practices. It will further, provide and put at public disposal vital information that will be the basis for exchange of knowledge and best practices among Parliaments and PMOs in Eastern Africa and across the continent. The EA-OPI will further provide vital information for evidence-based and targeted advocacy on Parliamentary openness in Eastern Africa and beyond.

Mzalendo has since carried out the assessment of the status of openness of national Parliaments of EAC member countries.² This assessment marked a significant step in Mzalendo's efforts to support Parliamentary openness in East Africa region. The recommendations of Mzalendo's assessment formed the basis of the discussions during the

²Mzalendo Trust, 2022. "How Houses of Parliament: How Open are they? https://mzalendo.com/media/resources/Our_Houses_of_Parliament_-_How_Open_Are_They._ikgoYQZ.pdf





regional PMO Conference, held in Nairobi on 23rd and 24th February 2023 targeting PMOs across Sub-Saharan Africa to increase dialogue and collaboration among them.

With specific interest and focus on strengthening of PMOs through strategic engagements and collaborative frameworks to enhance peer learning and ultimately, legislative openness, participants in the said conference reflected, shared experiences, lessons learnt, best practices and opportunities with respect to open and accountable Parliaments in their respective contexts.

Deliberations during the said Conference shed light on the status of legislative openness of Parliaments across Eastern Africa, status of other regions in the continent, experiences and best practices which contribute to continued learning, knowledge sharing and legislative and policy advocacy. Thus, deliberations and outputs of the conference are building hunks for a broader strategic framework of

continued constructive engagements, peer learning and dialogue among East African PMOs for enhanced legislative openness across the region and Africa as a whole.

2.2. Outcomes of the Assessment: Basis for Conference Deliberations

The assessment report by Mzalendo³ informed deliberations on parameters of parliamentary openness during the conference. As highlighted in the following table, Mzalendo's report already comprises of a consolidation list of parameters and cross-cutting indicators that can be operationalized in assessing parliamentary openness in Eastern Africa in view of developing the EA-OPI. This summary is categorized into four pillars namely: Transparency, Public Accountability, Civic Participation and Ethical Conduct. The following table comprises of one of the parameters (Transparency) to serve as an example of the detailed parameters as contained in the said report.

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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• Enabling use of alert services





Pillars	Burundi	DRC	Kenya	Rwanda	Sudan	Tanzania	Uganda
Bills and Legislation Process	The process of drafting of Bills and pieces of legislation is not clear	The process of drafting of Bills and pieces of legislation is clear yet inaccessible and/or unknown to the public	The process of drafting of Bills and pieces of legislation is very clear and accessible to the public	The process of drafting of Bills and pieces of legislation is very clear and accessible to the public	The process of drafting of Bills and pieces of legislation is both unclear and inaccessible to the public	The process of drafting of Bills and pieces of legislation is very clear and accessible to the public	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 too low	The level of public participation in the legislative process is too low	The level of public participation in the legislative process is high	The level of public participation in the legislative process is low	There is hardly any public participation in the legislative process	The level of public participation in the legislative process is medium	The level of public participation in the legislative process is medium





The parameters and indicators – example of which are presented above – was an outcome of the assessment that examined the status of parliamentary openness across EAC member countries and were at the core of discussions during the conference. The outcome of the assessment is contained in the Mzalendo assessment report⁴ and contains a detailed record (see snapshot in the following table) of the state of national Parliaments of the EAC member countries.

2.3. Scoping the Issues

The PMOs conference reasserted the call to national Parliaments, sub-national and transnational legislative bodies, by civil society PMOs for an increased commitment to openness and to citizen engagement in parliamentary work in Eastern Africa and beyond. It is a reaffirmation of PMOs' increased recognition of the important role they play in making parliamentary information more accessible to citizens, strengthening the capacity of citizens to

participate in parliamentary work and processes, and improving parliamentary accountability and transparency for enhanced open governance and quality of democracy in Africa.

The conference affirmed not only the strong interest by PMOs to engage in advocacy for greater access to Parliamentary work for open governance but also reawakened the very urgent need for increased collaborative dialogue with the respective Parliaments on parliamentary reform effectiveness. The outcome of the conference and its recommendations, as co-created by participants, are intended not only to be a clarion call for action, but also as a basis for dialogue between PMOs and Parliaments in Eastern Africa region in view of advancing greater citizen engagement, more responsive representative institutions, enhanced parliamentary openness and ultimately more democratic societies across the region. Some of the key issues that were discussed during the conferences are summarised hereafter.

⁴Ibid.,





2.3.1. The Culture of Parliamentary Openness

In reiteration the conference noted that access to public information is a fundamental human right that must be guaranteed by law. Indeed “public information belongs to citizens who need it in order to be empowered and to fully participate in democratic processes. In this sense, it creates legitimacy and confidence in our democratic institutions, and it is essential in the fight against corruption.”⁵

Thus, Parliamentary information belongs to the public. Parliamentary information shall be able to be reused or republished by citizens with any limited restrictions narrowly defined by law. To enable a culture of parliamentary openness, Parliaments should enact measures to ensure inclusive citizen participation and a free civil society, enable effective parliamentary monitoring, and vigorously protect these rights through their oversight role. Parliaments must also ensure that citizens have legal recourse to enforce their right to access parliamentary information. Each Parliament has an affirmative duty to promote citizen understanding

of parliamentary functioning and share good practices with other Parliaments to increase openness and transparency.⁶ Parliament shall work collaboratively with PMOs and citizens to ensure that parliamentary information is complete, accurate, timely and accessible to the public.

2.3.2. Transparency of Parliamentary Information

Awareness of the meaning of parliamentary information was emphasised. The conference reiterated that Parliamentary information includes information about Parliament’s roles and functions, and information generated throughout the legislative process, including the text of introduced legislation and amendments, votes, the parliamentary agenda and schedule, records of plenary and committee proceedings, historical information, and all other information that forms a part of the parliamentary record, such as reports created for or by Parliament. Some of the data that is part of Parliamentary information and evidence are enlisted hereafter.

⁵ParlAmericas: Roadmap towards Legislative Openness. 2016: p.6 see: <http://parlamericas.org/uploads/documents/Roadmap-EN-SCREEN.pdf>

⁶Declaration of Parliamentary Openness. See: <https://openingparliament.org/declaration/>





DATA

1. Committee minutes
2. Committee reports
3. Committee bills
4. Committee petitions
5. Voting patterns
6. Composition of committees
7. Biodata of committee members
8. Expenditure of parliament -allowances
9. Quality of public participation (time allocated and submissions allowed)
10. Quality assurance mechanisms (executive summons and sanctions)

EVIDENCE

1. Legislative audit: implementation of laws
2. PMO reports
3. Post-legislative scrutiny
4. Analytical reports: The data gathered can be processed into information and knowledge to guide PMOs





Respective Parliaments in Eastern Africa countries need to adopt policies that ensure proactive publication of parliamentary information and review these policies periodically to take advantage of evolving good practices.

2.3.3. Ease of Access to Parliamentary Information

In reiteration, participants at the conference noted that it is the role of Parliament to ensure that Parliamentary information is broadly accessible to all citizens on a non-discriminatory basis through multiple channels, including first-person observation, print media, radio, and live and on-demand broadcasts and streaming.

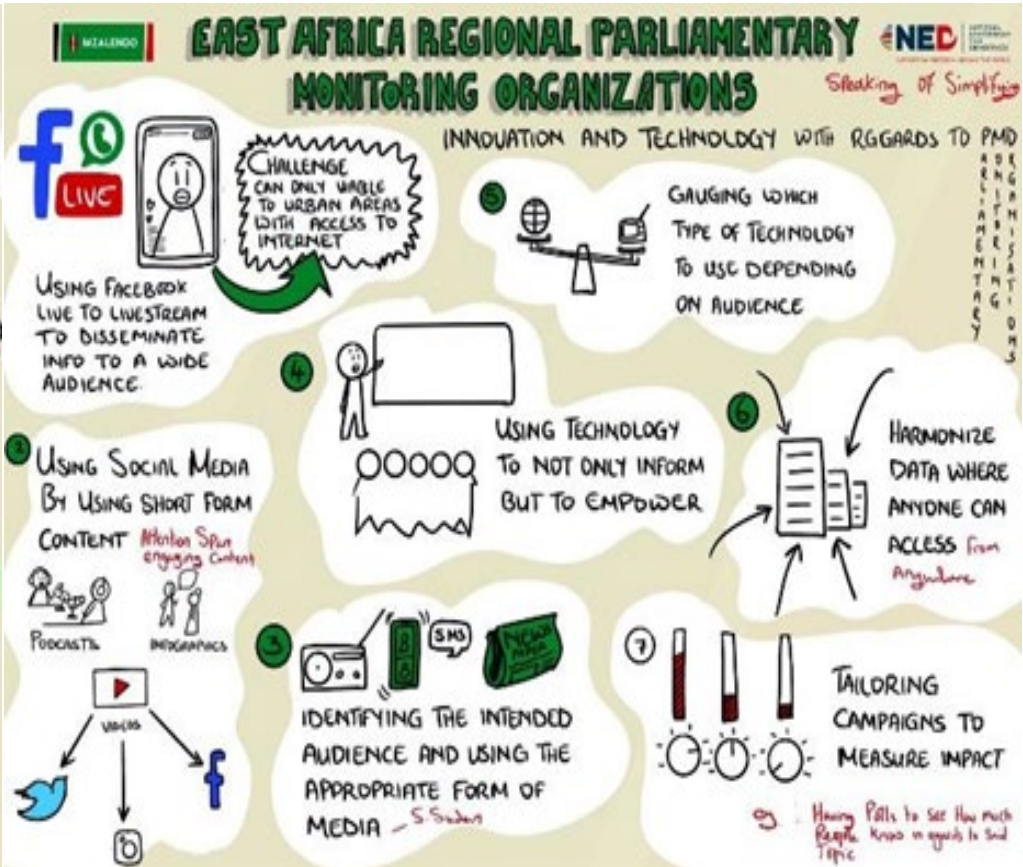
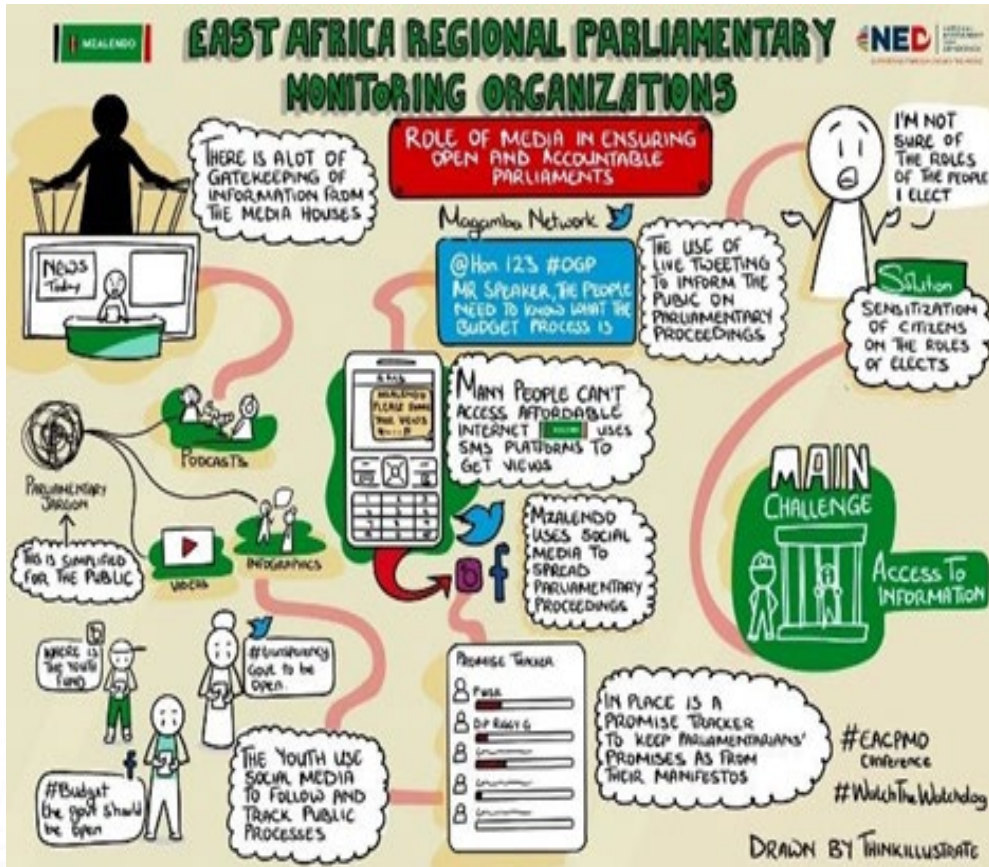
Physical access to Parliament shall be provided to all citizens, subject to space and safety limitations, with clearly defined and publicly available policies for ensuring access by media and observers. Parliamentary information

must also be available free of charge, in multiple national and working languages, and through tools, such as plain language summaries, that help ensure that parliamentary information is understandable to a broad range of citizens.

2.3.4. Enabling Electronic Communication of Parliamentary Information

The conference emphasised the significance of leveraging technology in enhancing Parliamentary openness. Participants went as far as devising an example (see figure below) of a visual representation of innovative solutions that may contribute to making Parliamentary information accessible in a visually attractive and interactive format. These kinds of visually attractive representations can be used both by Parliaments and PMOs in making Parliamentary information accessible and attractive to the public, especially the youth.







Parliamentary information should be rendered readily available online in open and structured formats that allow citizens to analyse and reuse this information using the full range of technology tools. Parliamentary information shall be linked to related information and be easily searchable, as well as downloadable in bulk to encourage the development of new technologies for its exploration. Parliamentary websites should be simple and interactive to enable communication with citizens. In other words, Parliamentary websites should seek to use interactive tools to engage citizens and offer alert or mobile services.

Parliament should give preference to the use of non-proprietary formats, and free and open-source software. Parliament has a duty to ensure technological usability of Parliamentary information, while guaranteeing the privacy for those accessing the information. Furthermore, in so with limited internet penetration, Parliaments should devise ways to facilitate information access to intermediaries, which can further disseminate the information to citizens.





3.0. Parameters of Parliamentary Openness⁷

3.1. Recognizing Public Ownership of Parliamentary Information

Parliamentary information belongs to the public; citizens should be allowed to reuse and republish parliamentary information, in whole or in part. Any exceptions or restrictions to this principle shall be narrowly defined by law.

● *Advancing a Culture of Openness through Legislation*

Parliaments should enact 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.

● *Protecting a Culture of Openness through Oversight*

In fulfilling its oversight function, Parliaments must guarantee that laws ensuring government openness are implemented effectively, that the government acts in a fully transparent manner, and that government also works to promote a culture of openness.

● *Promoting Civic Education*

Parliaments have the responsibility to actively promote civic education of the public, particularly youth, by promoting understanding of Parliament's rules and procedures, Parliament's work, and the role of Parliament and its members.

● *Engaging Citizens and Civil Society*

Parliaments are obligated to actively engage citizens and civil society, without discrimination, in parliamentary processes and decision-making to effectively represent citizen interests and to give effect to the right of citizens to petition their government.

● *Protecting an Independent Civil Society*

Parliaments are duty-bound to support measures to ensure that Civil Society Organizations (CSOs) can operate freely and without restriction.

● *Enabling Effective Parliamentary Monitoring*

Parliaments must recognize the right and duty of civil society, media, and the general public to monitor Parliament and parliamentarians. Parliament should

⁷Ibid.,





engage in consultations with the general public and PMOs to encourage effective monitoring and reduce barriers in accessing parliamentary activities and information.

- *Sharing Good Practice*

Parliaments should actively participate in international and regional exchanges of good practice with other Parliaments and with CSOs to increase the openness and transparency of parliamentary information, improve the use of information and communication technologies, and strengthen adherence to democratic principles.

- *Ensuring Legal Recourse*

Parliaments need to enact legislation to ensure that citizens have effective access to legal or judicial recourse in instances where citizens' access to government or parliamentary information is in dispute.

- *Disseminating Complete Information*

Parliamentary information available to the public must be as complete as possible, reflecting the entirety of parliamentary action, subject only to narrowly and precisely defined exceptions.

- *Providing Timely Information*

Parliamentary information should be provided to the public in a timely manner. As a rule, information should be provided in real time. To the extent that doing so is

impossible, parliamentary information must be released publicly as quickly as it is available internally.

- *Ensuring Accurate Information*

Parliaments should ensure a process to retain authoritative records and guarantee that the information it releases to the public is accurate.

3.2. Transparency of Parliamentary Information

There is need to foster a culture of transparency and guaranteeing citizen access to public information. To this end, Parliaments should enact laws on transparency and access to public information and actively engage in actions aimed at ensuring transparency of Parliamentary information.

- *Adopting Policies on Parliamentary Transparency*

Parliaments are obligated to adopt policies that ensure the proactive dissemination of parliamentary information, including policies regarding the formats in which this information will be published. Parliamentary transparency policies should be publicly available and should specify terms for their periodic review to take advantage of technological innovations and evolving good practices. In cases where Parliament may not have the immediate capacity to publish comprehensive parliamentary information, it should develop partnerships with civil society and media to ensure broad public access to parliamentary information.



- *Providing Information on Parliament's Roles and Functions*

Parliaments should make available information about its constitutional role, structure, functions, internal rules, administrative procedures and workflow, as well as the same information for its committees.

- *Providing Information on Members of Parliament*

Parliaments are required to provide sufficient and regularly updated information for citizens to understand a member's credentials, party affiliation, electoral mandate, roles in Parliament, attendance, identities of personal staff, and any other information members wish to divulge about themselves and their credentials. Equally, working contact information for the parliamentary and constituency offices of members should be available to the public.

- *Providing Information on Parliamentary Staff and Administration*

Parliaments should make available information about its administrative functioning and the structure of parliamentary staff that manage and administer parliamentary processes. Contact information for staff responsible for providing information to the public should be publicly available.

- *Informing Citizens regarding the Parliamentary Agenda*

Documentation relating to the scheduling of parliamentary business must be provided to the public, including the session calendar, information regarding scheduled votes, the order of business and the schedule of committee hearings. Except in rare instances involving urgent legislation, Parliament should provide sufficient advance notice to allow the public to provide input to members regarding items under consideration.

- *Engaging Citizens on Draft Legislation*

Draft legislation must be made public and published upon its introduction. Recognizing the need for citizens to be fully informed about and provide input into items under consideration, Parliaments should provide public access to preparatory analysis and background information to encourage broad understanding of policy discussions about the proposed legislation.

- *Publishing Records of Committee Proceedings*

Reports of committee proceedings, including documents created and received, testimony of witnesses at public hearings, transcripts, and records of committee actions, shall promptly be made public.



- *Recording Parliamentary Votes*

To ensure members' accountability to their constituents for their voting behaviour, Parliaments should minimize the use of voice voting in plenary and shall use roll call or electronic voting in most cases, maintaining and making available to the public a record of the voting behaviour of individual members in plenary and in committees. Similarly, Parliament must minimize the use of proxy voting and ensure that it does not undermine norms of transparency and democratic accountability.

- *Publishing Records of Plenary Proceedings*

Parliaments have the obligation to create, maintain and publish readily accessible records of their plenary proceedings, preferably in the form of audio or video recordings, hosted online in a permanent location, as well as in the form of a written transcript or Hansard.

- *Publishing Reports Created by or Provided to Parliament*

All reports created by Parliaments or that are requested or required to be submitted to Parliaments, their offices, or committees, must be made public in their entirety, except in narrowly defined circumstances identified by law.

- *Providing Information on the Budget and Expenditures*

Parliaments have the responsibility to make public comprehensive, detailed, and easily understandable information about the national budget and public expenditures, including past, current, and projected revenues and expenditures. Similarly, Parliaments have a duty to publish information regarding its own budget, including information about its own budget execution and bids and contracts. This information should be made public in its entirety, using a consistent taxonomy, along with plain language summaries, explanations or reports that help promote citizen understanding.

- *Disclosing Assets and Ensuring the Integrity of Members*

Parliaments must make available sufficient information to allow citizens to make informed judgments regarding the integrity and probity of individual members, including information on members' asset disclosures, their parliamentary expenses, and their non-parliamentary income, including interest, dividends, lease payments or other in-kind benefits.



- *Disclosing Information on Unethical Conduct and Potential Conflicts of Interest*

Parliaments have a duty to enact clearly defined rules to ensure disclosure of information necessary to protect against actual or perceived conflicts of interest and ethical violations, including relevant information about members' interactions with lobbyists and pressure groups. Parliaments should also make public information on the final results of any judicial or parliamentary investigations into charges of unethical behaviour, conflicts of interest or corruption.

- *Providing Access to Historical Information*

Parliamentary information for prior sessions should be digitized and made available to citizens in perpetuity for reuse free of legal restrictions or fees. To the extent a Parliaments cannot digitize and make available their own information, they are required to work with relevant stakeholders to facilitate public dissemination of parliamentary information without restriction. Parliaments must provide the public access to a parliamentary library to allow members and the public the ability to access historical parliamentary information.

3.3. Easing Access to Parliamentary Information

- *Providing Multiple Channels for Accessing Information*

Parliaments must provide unhindered access to information about their work through multiple channels; including first-person observations, print media, radio and television broadcasts, as well as through internet and mobile device technologies.

- *Ensuring Physical Access*

Parliamentary buildings should be physically accessible and open to all citizens, subject only to demonstrable public safety and space limitations.

- *Guaranteeing Access by the Media*

Parliaments must ensure that the media and independent observers are given full access to parliamentary proceedings; the criteria and process for providing media access shall be clearly defined and publicly available.



- *Providing Live and On-Demand Broadcasts and Streaming*

Efforts must be made to provide citizens with real-time and on-demand archival access to parliamentary proceedings through radio, television and the internet.

- *Facilitating Access throughout the Country*

To the extent possible, access to parliamentary information must not be restricted by geographic barriers. Although the use of parliamentary websites facilitates access to parliamentary information without geographic restriction, in countries where internet access and usage is limited, Parliament must endeavour to put in place other means of ensuring public access to parliamentary information throughout the country.

- *Using Plain Language*

Parliaments are duty-bound to ensure that legal or technical language do not serve as a barrier to citizens seeking to access parliamentary information. While recognizing the necessity of using precise language in writing laws, Parliaments have a duty to develop plain language summaries and similar tools to make parliamentary information readily available and accessible to members and citizens with diverse backgrounds and expertise.

- *Using Multiple National or Working Languages*

Where the constitution or parliamentary rules provide for the use of multiple national or working languages in Parliament, Parliaments shall make every reasonable effort to provide for the simultaneous interpretation of proceedings and rapid translation of the parliamentary record.

- *Granting Free Access*

Parliamentary information must be available to citizens for unrestricted access, reuse and sharing free of charge.

3.4. Enabling Electronic Communication of Parliamentary Information

- *Providing Information in Open and Structured Formats*

Parliamentary information must be compiled and released in an open and structured format, such as structured XML, that can be read and processed by computers, so that parliamentary information can be easily reused and analysed by citizens, civil society, the private sector and government.



- *Ensuring Technological Usability*

Parliaments must ensure technological usability of parliamentary information by providing clear instructions for the use of any online databases or tools that enable citizens to retrieve parliamentary information from the parliamentary website. To the extent Parliament provides a user interface, it should use best practices to improve its usability.

- *Protecting Citizen Privacy*

Parliamentary websites should have a clear and concise privacy policy to let citizens know how their personal information is being used. Parliaments must not employ membership or registration requirements that restrict public access to information on parliamentary websites or permit the tracking of personally identifiable information without explicit consent.

- *Using Non-Proprietary Formats and Open-Source Software*

Parliaments should give preference to the release of digital information in non-proprietary and open formats, and the use of free and open-source software applications.

- *Allowing Downloadability for Reuse*

Parliamentary information should be easily downloadable, in bulk and in well-documented formats to allow for easy reuse of the information.

- *Maintaining Parliamentary Websites*

Even in countries with limited internet access and usage, the maintenance and regular updating of a comprehensive parliamentary website is a vital aspect of parliamentary openness in the modern, interconnected world. Thus, Parliaments must ensure that parliamentary information is available in electronic format and should regard online dissemination as an essential means of disseminating parliamentary information.

- *Using Easy and Stable Search Mechanisms*

Parliaments should make it as easy as possible for citizens to quickly find desired parliamentary information by creating databases enabling both simple and complex searches using appropriate metadata. Parliamentary information must be available in a location that remains constant over time, for instance, on a webpage with a persistent URL.





- *Linking Related Information*

Parliaments have a duty to seek to improve the ability of citizens to find relevant parliamentary information by linking parliamentary information to other related information, for example, by linking references in a bill history to earlier versions of the legislation, to relevant committee reports, to expert testimony, to sponsored amendments and to the portions of the Hansard that contain the record of parliamentary debate on the relevant piece of legislation.

Enabling Use of Alert Services

Where possible, Parliament should provide citizens the ability to subscribe to services to alert them to certain categories of parliamentary actions using email, SMS text messaging, or other technologies.

- *Facilitating Two-Way Communication*

Parliaments should endeavour to use interactive technology tools to foster the ability of citizens to provide meaningful input on legislation and parliamentary activity and to facilitate communication with members or parliamentary staff.





4.0. Concluding Remarks

Each of the three arms of government (Executive, Legislature and Judiciary) play vital and complementary governance roles. Thus, the Legislative arm of government is vital to the design of a democratic government. The Legislative arm of government plays three core roles. These are: representation; legislation/making laws and oversight. These roles render Parliaments the basis on which a functioning democracy is founded and functions. The robustness of Parliaments is therefore one of the indicators of a functional and/or thriving democracy. The more open Parliament is, the higher the democratic space and the better the governance.

Nevertheless, like any other form of government, indeed any human institution, democratic governments have to contend with numerous shortcomings and challenges. The opacity of the arms of government, including the Legislature, is one of the clearest pointers to weak or declining democratic governance in the world, Africa included. Opacity of Parliament equally points to erosion of public trust in governance away from widening the gap between the people and their governments, severely compromising transparency and accountability in the management of public affairs.

The credibility and legitimacy of Parliaments are enhanced by their ability to act independently, and decisively so, in checking the Executive in executing the government's mandate. The weakness of the Legislative arm of government tends to result in a preponderance of power in the Executive which often lead not only to a declining of democracy but also abuse of power to the detriment of the people as well as erosion of the social contract. Such states of affair pause a major threat not only to the wellbeing of a republic but also its very nature and existence. The need for stronger Legislative arms of government in Africa, as is the case elsewhere, cannot therefore be overemphasized.

One of the ways of strengthening the legislative arm of government is through enhancing its openness. Indeed, Parliament is a tool of the people where the people engage in non-violent agonistic encounters, debate issues of national interests and set national agendas in a manner that enhances open governance, promotes national interests and spurs prosperity of a people. This is the reason the quest for, and efforts aimed open Parliaments, through the parameters above set-out – and extensively discussed during the PMO conference organised by Mzalendo Trust – is both crucial and urgent.





Drawing out on Mzalendo's assessment, the conference resulted in clear and actionable agenda that was a result of a co-creation session. As per the deliberations of the conference, going forward, there is urgent need to establish and operationalize of a platform, including digital tools as indicated above, for evidence gathering, data harnessing and information sharing on Parliamentary

openness. Thus, establishment of an advocacy and action plan on Parliamentary openness; a collaborative and inclusive regional network on Parliamentary openness and leveraging technological innovation to enhance Parliamentary openness are key action points for PMOs in Eastern Africa and beyond.





MZALENDO

Towards Legislative Openness in Eastern Africa

