What are Open Government Reviews?

OECD Open Government Reviews support countries in their efforts to build more transparent, participatory and accountable governments that can restore citizens’ trust and promote inclusive growth. They provide in-depth analyses of open government strategies and initiatives, and coupled with recommendations, they help to further embed its principles and practices within the policy-making cycle. To date, the OECD Secretariat has published around 20 country and regional OECD Open Government Reviews and around half of the OECD Public Governance Reviews include a dedicated chapter on open government.

THE OECD RECOMMENDATION ON OPEN GOVERNMENT

The OECD Recommendation of the Council on Open Government was adopted in 2017 and represents the first international legal instrument in this area. In it, open government is defined as “a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth”. Moreover, the Recommendation provides a comprehensive overview of the main tenets of the open government strategies and initiatives by setting 10 provisions to guide Adherents to improve their implementation.

SUMMARY OF THE PROVISIONS OF THE OECD RECOMMENDATION ON OPEN GOVERNMENT

1. Take measures, in all branches and at all levels of the government, to develop and implement open government strategies and initiatives in collaboration with stakeholders and to foster commitment from politicians, members of parliaments, senior public managers and public officials, to ensure successful implementation and prevent or overcome obstacles related to resistance to change;

2. Ensure the existence and implementation of the necessary open government legal and regulatory framework while establishing adequate oversight mechanisms to ensure compliance;

3. Ensure the successful operationalisation and take-up of open government strategies and initiatives;

4. Co-ordinate, through the necessary institutional mechanisms, open government strategies and initiatives - horizontally and vertically - across all levels of government to ensure that they are aligned with and contribute to all relevant socio-economic objectives;

5. Develop and implement monitoring, evaluation and learning mechanisms for open government strategies and initiatives;

6. Actively communicate about open government strategies and initiatives, as well as about their outputs, outcomes and impacts;

7. Proactively make available clear, complete, timely, reliable and relevant...
public sector data and information that is free of cost; available in an open and non-proprietary machine-readable format, easy to find, understand, use and reuse; and disseminated through a multi-channel approach, to be prioritised in consultation with stakeholders;

8. Grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy-cycle and service design and delivery. This should be done with adequate time and at minimal cost, while avoiding duplication to minimise consultation fatigue. Further, specific efforts should be dedicated to reaching out to the most relevant, vulnerable, underrepresented, or marginalised groups in society, while avoiding undue influence and policy capture;

9. Promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions and seize the opportunities provided by digital government tools, including through the use of open government data, to support the achievement of the objectives of open government strategies and initiatives;

10. While recognising the roles, prerogatives, and overall independence of all concerned parties and according to their existing legal and institutional frameworks, explore the potential of moving from the concept of open government toward that of open state.

WHAT IS THE PURPOSE OF THIS HIGHLIGHTS?

This Highlights presents key facts as well as the main findings and recommendations of the Open Government Review in Biscay. The Review draws upon the 10 provisions of the OECD Recommendation of the Council on Open Government (2017).

CHAPTERS OF THE REVIEW

1. Setting the scene for open government reforms
2. Strengthening policy, legal and regulatory frameworks for open government
3. Ensuring a sustainable implementation of Biscay’s open government agenda
4. Building a monitoring and evaluation framework for open government
5. Mainstreaming stakeholder participation in Biscay

The complete Review can be consulted in the following link: https://doi.org/10.1787/e4e1a40c-en.
OPEN GOVERNMENT REFORMS AS A DRIVER TO IMPROVE PUBLIC GOVERNANCE

Open government is a catalyst to improve public governance, which is a key factor for economic development, social well-being, and increasing trust in government.

The implementation of open government principles - namely transparency, integrity, accountability and stakeholder participation - can provide better access and higher quality of public services as well as more effective policies. Through these principles, governments ensure that the needs, preferences and concerns of all stakeholders are reflected in their policies. This allows them to participate in their monitoring and evaluation. Governments have recognised the potential benefits of open government and have engaged in reforms in this area through the implementation of strategies and initiatives, as is the case of Biscay. Some of these potential benefits include:

- Establishing greater trust in government;
- Ensuring better outcomes at less cost;
- Raising compliance levels of the public administration;
- Ensuring equity of access to policy making;
- Fostering innovation and new economic activities;
- Enhancing effectiveness by leveraging knowledge and resources of citizens who otherwise face barriers to participation.

Setting the scene for open government reforms

The context of any government, at any level, plays an important role in the way its policies and service delivery are designed, implemented, monitored and evaluated. It is, therefore, crucial to understand the drivers of open government reforms and the environment in which they can develop and achieve their goals. The Province of Biscay has been implementing initiatives linked to the principles of open government for several years and has recently embraced an open government agenda as a way to improve government efficiency and effectiveness while bringing the administration closer to its citizens.
SETTING THE SCENE FOR OPEN GOVERNMENT REFORMS

HIGHLIGHTS

The fiscal system represents one of the region’s most notable characteristics, which establishes that the Basque Provinces are responsible for setting, collecting and distributing taxes based on the so-called “Economic Agreement”. In practice, the finance ministries of each province collect direct and indirect taxes and distribute the income vertically and horizontally: vertically to the Basque Country, to the Spanish State and to the municipalities; and horizontally among the provinces.

BISCAY’S PARTICULAR MULTI-LEVEL GOVERNANCE STRUCTURE

Biscay is one of the three provinces of the Basque Country in Spain, along with Araba and Gipuzkoa. Biscay has 112 municipalities, covers an area of 2.2 thousand square kilometres and has a population of 1.1 million inhabitants, making it the most populated province of the Basque Country (2.1 million in total). Its capital city and economic centre is Bilbao, with approximately 345 thousand inhabitants.

The Basque Country adopted its Statute of Autonomy in 1979, also known as the Statute of Guernica. The statute stipulates the composition of the Autonomous Community with the three historic provinces (Biscay, Araba and Gipuzkoa) as well as the distribution of competences between the Basque Country and the Spanish state.

The Province of Biscay has a particular multilevel governance mainly due to a division of competencies between the different administrations within the Basque Country (Basque Country, provinces and municipalities) that do not follow a hierarchical distribution.

The whole region has a high degree of autonomy in relation to the central government of Spain. The main competencies of these Provinces, including Biscay, are tax collection and policy, territorial planning, roads and public works, policy environment, cultural heritage and social welfare, as well as the economic and financial tutelage of the municipalities. These unique rights stem from the Fueros Vascos, which were historic special jurisdictions of the Basque territories.

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BISCAY’S SOCIO-ECONOMIC AND CULTURAL HERITAGE

Biscay has the largest economy of the three provinces in terms of size of gross domestic product (GDP), which provides it with the economic capacity and flexibility to implement ambitious policies, strategies and initiatives.

Biscay, and more generally the Basque Country, have a strong culture of social participation and public-private collaboration. The historic culture of participation has led civil society to build strong links within its community. This particular sense of community has favoured participative processes in the social and economic sectors of the Province.

The social sector in Biscay is based on a historic collaboration between non-governmental organisations and other non-profit organisations (the so-called “third sector”) and the Department of Social Services to co-create and co-implement public policies and services. On the economic side, the historic public-private collaboration is reflected in the important number of cooperatives present in the territory.

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THE HISTORY AND HERITAGE OF THE FUEROS VASCOS

The fuero was a system of local law – both public and private - used in several Spanish municipalities in the Middle Ages. The fueros determined the norms and rights of certain municipalities, including fiscal and monetary autonomy, in exchange for recognising the authority of the king over each land. During the expansion and consolidation process of the Spanish monarchies (15th to 18th centuries), all the fueros were reduced or abolished except for the three fueros of the Basque territories and one from Navarra.

The Fueros Vascos changed regularly during the centralisation process of the 19th century until 1877 when they were abolished by the central government. Nevertheless, the fiscal autonomy of the Basque territories was maintained under the form of an “Economic Agreement”. During the Spanish Civil War (1936-1939), the Agreement was abolished.

With the end of the dictatorship of Francisco Franco, period known as Franquismo, in 1975 the Spanish Constitution of 1978 restored the recognition of the right for self-government for the three historic territories and paved the way for the Statute of Autonomy as well as a renewed Economic Agreement (now called ‘concert’) formally established in 1981.

2. Strengthening policy, legal and regulatory frameworks for open government

An enabling environment for open government reforms is composed of sound and comprehensive policy, legal and regulatory frameworks. In particular, a policy framework consists of a holistic strategy that includes short-, medium- and long-term objectives, initiatives to achieve them, a definition of open government adapted to the context in which its reforms are meant to thrive and an explicit link to how the strategy will contribute to high-level policy objectives.

**BISCAY’S OPEN GOVERNMENT ACTION PLAN: PAVING THE WAY FOR A HOLISTIC STRATEGY**

An open government strategy is critical for governments as it helps them set a clear direction, by clarifying the priorities and goals, and ensuring coherence with governments’ high-level and overarching objectives. The strategy is also a tool for effective management, for identifying structural obstacles that require changes, for inspiration and empowerment, for accountability, for effective allocation of resources and for institutional synergy.

Biscay has shown high-level political commitment to, and leadership for, open government reforms.

“Society demands a more transparent, participative and open policy from us. I assume these three challenges. I assume them with conviction from the first day. The drive for initiatives to increase transparency and participation will be one of the first measures of our new governing team” (Inaugural address, President Unai Rementeria, 2015).

In early 2017, Biscay launched the 2017-19 Open Government Action Plan (OGAP) as the first attempt to group a series of scattered initiatives under a single plan. In this plan, Biscay aims to change the culture of the public sector by improving public service delivery through 14 specific commitments.

Although the definition of open government outlined in the OGAP is in line with OECD good practices, public officials and municipalities did not seem to fully grasp it, underscoring a need to better communicate and disseminate it.

**OPEN GOVERNMENT FOR BISCAY**
Biscay has made significant efforts to align the OGAP with some of the actions of Bizkaia Goazen 2030, the provincial strategic plan; however, it is not clear how the OGAP contributes to its higher and long-term objectives.

Overall, two-year action plans, like the OGAP, act as catalysts for the implementation of open government initiatives and can also help governments raise their profile, as well as to push for high-level reforms. However, based on the OECD definition of an open government strategy, these action plans are not considered comprehensive strategies, as they establish short-term objectives and lack the long-term vision that a comprehensive one can provide.

To reach the full potential of an open government strategy and to ensure its successful implementation, it is important to have the ‘buy-in’ from key actors, both within and outside the government. Biscay conducted three consultation phases to develop the OGAP with stakeholders from the public and private sector as well as CSOs. Nevertheless, establishing a narrow criteria for participation, as Biscay did on the first phase, can limit the spectrum of actors that can have a say during the process.

MAIN RECOMMENDATIONS AND PROPOSALS FOR ACTION

Building on the lessons learned from the OGAP, Biscay could consider developing a comprehensive open government strategy in order to ensure the success and long-term commitment of its open government agenda, by:

- Streamlining all other plans and initiatives related to open government principles into one comprehensive open government strategy so that it becomes the baseline policy.
- Ensuring coherence between the commitments and the goals of the strategy on the one hand, and the strategy with Biscay’s high-level and strategic objectives, in the other hand.
- Better communicating and disseminating Biscay’s definition of open government in order to ensure that all stakeholders have a common understanding of open government.
- Ensuring an inclusive process to secure buy-in from a wide range of stakeholders.

1. The OECD Council Recommendation on Open Government defines an open government strategy as “a document that defines the open government agenda of the central government and/or of any of its sub-national levels, as well as that of a single public institution or thematic area, and that includes key open government initiatives, together with short, medium and long-term goals and indicators.”
2. Strengthening policy, legal and regulatory frameworks for open government

BISCAY AIMS FOR AN OPEN STATE APPROACH

The OGAP states that “working towards an open institution necessarily implies working with a vision of an open territory”. This implies Biscay’s intention for its open government agenda to permeate beyond a single institution and to attain the whole territory with a particular emphasis in municipalities.

This is in line with what the OECD has termed an “open state”, which means that “the executive, legislature, judiciary, independent public institutions, and all levels of government - recognising their respective roles, prerogatives, and overall independence according to their existing legal and institutional frameworks - collaborate, exploit synergies, and share good practices and lessons learned among themselves and with other stakeholders to promote transparency, integrity, accountability, and stakeholder participation, in support of democracy and inclusive growth”.

Nevertheless, the OGAP only includes municipalities in one commitment while no other branches of government were included.

THE PROVINCIAL LAW ON TRANSPARENCY AT THE CORE OF BISCAY’S OPEN GOVERNMENT LEGAL AND REGULATORY FRAMEWORK

Biscay adopted its own Provincial Law (Norma Foral) on Transparency in February of 2016 with the objective of guaranteeing transparency in two dimensions: proactive disclosure and the right to access public information.

In general terms, the Provincial Law is in line with OECD standards. Its scope includes the executive and legislative branches as well as private entities managing public funds. The type of information disclosed proactively complies with the practice in OECD Members. Citizens can request information electronically, on site or by mail. The public administration has 15 days (20 days on average is the good practice) to respond once a request is filed. However, citizens need to provide an identification to request the information.

The Province has carried out several initiatives that have contributed to a proper implementation of the Law. The annual monitoring report of the Provincial Plan for Transparency showed good progress; however, a certain level of internal resistance to change hampers its successful implementation.


The Law of Local Institutions of the Basque Government (LILE, for its initials in Spanish), regulates all the competencies of the municipalities in the Basque Country (including those in Biscay). It is of particular importance as it comprises a chapter on open government with provisions for transparency and citizen participation. Some municipalities struggle to meet all the obligations of this Law due to a lack of human and technical resources. The Provincial Council of Biscay is an important ally since it supports local capacity building specifically in digital aspects that are used for the transparency obligations of the Law.

MAIN RECOMMENDATIONS AND PROPOSALS FOR ACTION

Secure successful implementation of the Provincial Law on Transparency, by:

- Continuing to carry out the dissemination and awareness-raising campaigns in order to increase knowledge among all stakeholders, and to ensure compliance from entities and public officials subject to the law.
- Allowing requests for information to be made anonymously.
- Continuing the practice that every request is adequately responded to, either with the information that has been requested, with proper justification in case the request is denied by non-admission, or in the case of an exemption.

Strengthen the open territory approach by promoting openness and inclusiveness of all relevant public actors, by:

- Including other key actors of the Province, such as the legislative branch, and could benefit from the ongoing Open Government Partnership (OGP) Local Programme of the Basque Country to include the municipalities as well other actors (e.g. Basque Ombudsman, Ararteko) while respecting their level of autonomy.
- Further strengthening its collaboration with municipalities on aspects that go beyond transparency and information technology (IT). For instance, Biscay could provide capacity building on stakeholder participation for local governments.
3. Ensuring a sustainable implementation of Biscay’s open government agenda

Having the right institutional arrangements - understood as the existence and interaction of different stakeholders in a given national or local government that have a mandate and/or a role to play in the open government agenda - will ensure effective and efficient implementation of the strategy and initiatives. Furthermore, it is essential to develop and promote the use of information and communication technologies (ICTs) by governments and other stakeholders as they make many of these initiatives possible.

**TOWARDS ROBUST INSTITUTIONAL ARRANGEMENTS FOR EFFECTIVE AND SUSTAINABLE IMPLEMENTATION OF BISCAY’S OPEN GOVERNMENT AGENDA**

Biscay has demonstrated its high-level political commitment to the principles of transparency, integrity, accountability and stakeholder participation with the creation of two new institutional structures for open government: the Cabinet of Modernisation, Good Governance and Transparency (Gabinete de Modernización, Buen Gobierno y Transparencia) and the Observatory of Biscay (Observatorio de Bizkaia, “Behatokia”):

- The Observatory of Biscay is responsible for monitoring and evaluating public policies, co-ordinating and implementing participative initiatives and co-ordinating transversal youth policies. In addition, Behatokia is the leading actor of the open government agenda. It is responsible for elaborating, co-ordinating and monitoring the OGAP, as well as implementing several of its commitments. Behatokia is attached to the Cabinet of the President.

- The Cabinet of Modernisation, Good Governance and Transparency elaborates strategic guidelines and identifies priority areas. It is also responsible for co-ordinating inter-departmental initiatives and projects that focus on modernising the public administration through digital government, improving public services for citizens, and making more efficient use of resources under a transparency and good governance umbrella. The Cabinet is a unit of the Department of Public Administration and Institutional Relations, one of the nine departments (or provincial ministries) of Biscay.

Biscay chose a sectoral implementation of the OGAP so that each commitment is owned by the department in charge of its implementation. While these institutional arrangements are intended to provide more ownership, they contribute to a sectoral implementation of it and to a fragmented open government agenda.

As in many local governments, Biscay’s size allows it to work with a certain level of familiarity and informality, thus facilitating certain actions and activities, and granting more flexibility to policy makers to identify needs, tailor public policies and involve its citizenship in their implementation and evaluation. However, this lack of institutionalisation may hinder the long-term impacts of the strategy as well as the real and sustained cultural change within the public administration.
ENSURING A SUSTAINABLE IMPLEMENTATION OF BISCAY’S OPEN GOVERNMENT AGENDA

HIGHLIGHTS

- Creating an open government committee composed of all institutional actors involved in – and not just those responsible - for each of the commitments. The committee could also include other key actors, such as representatives from the judicial and legislative branches, the Ararteko, municipalities as well as EUDEL (the Basque Local Governments Association) to achieve an open territory.

- Designating open government officers in each of the departments and bringing them together regularly, as members of a committee, to discuss the challenges they faced and the solutions implemented to overcome them, share good practices and explore synergies.

MAIN RECOMMENDATIONS AND PROPOSALS FOR ACTION

Build and consolidate robust institutional arrangements for effective and sustainable implementation of the open government agenda beyond the OGAP, by:

- Designating an office responsible for developing and co-ordinating the strategy and the open government agenda as well as for monitoring its implementation, while maintaining sectoral ownership of the initiatives. The office needs to have a clear and well-disseminated mandate and should remain at the highest level, at the Centre of Government (CoG).

OPEN GOVERNMENT FORUMS: THE CASES OF ITALY AND SPAIN

Italy has established an Open Government Forum in which 20 public administrations and 54 CSOs meet regularly. The Forum, co-ordinated by Department of Public Administration of the Presidency of Council of Ministers, is open to any new organisation or administration, both central and local, that wants to participate in the development of Italy’s open government policies or intends to join the Open Government Partnership (OGP). The aim of the Forum on Open Government is to commit CSOs and public administrations to long-lasting collaboration and to co-designing the development and co-ordination of the implementation of the actions provided in Italy’s OGP National Action Plan (NAP). This gives the officials responsible for the open government commitments (i.e. the NAP actions) the possibility to consult the CSOs about specific questions and to receive their feedback. Additionally, the CSOs can monitor the proper implementation of the commitments and provide input and ideas on how to develop new open government initiatives.

Spain established an Open Government Forum in February 2018 with the objective of institutionalizing the collaboration between public administrations and civil society to strengthen the permanent dialogue on transparency, collaboration, participation and accountability. The Plenary of the Forum meets once or twice a year. More than 70 representatives of the Plenary include public administrations from the General Administration of the State, the Autonomous Communities and Cities as well as CSOs and NGOs. The Forum also has a Permanent Commission whose role is to present proposals to the Plenary, to coordinate the work commissioned by the Plenary and act as the executive organ of the Forum. Finally, the Forum has three working groups where particular topics are discussed, including: 1) collaboration and participation; 2) transparency and accountability; and 3) training and awareness. The Plenary and the working groups allow for external participation and exchanges between different stakeholders.

3. Ensuring a sustainable implementation of Biscay’s open government agenda

INCREASING OPEN GOVERNMENT LITERACY AMONG BISCAY’S PUBLIC OFFICIALS

To ensure the successful implementation of an open government strategy, the availability of human and financial resources is essential. However, insufficient resources are among the most frequently cited challenges for the institution responsible for the horizontal co-ordination of open government strategies and initiatives.

The 2018 OGAP’s intermediate self-evaluation report identified the need to develop the capacity of its staff in charge of implementing open government initiatives as one of the priority areas for internal improvement. In this sense, Biscay has made significant efforts to include open government principles in competency frameworks, codes of conduct and the job profiles of its civil servants and appointed senior public officials. For example, by including transparency-related skills in civil servant competency frameworks, creating an ethical code for high-level officials with accountability and transparency principles, and providing a transparency module on the training career plan.

However, open government literacy, which is the combination of awareness, knowledge, and skills that public officials and stakeholders require to engage successfully in open government strategies and initiatives, could be further increased by providing a comprehensive training to civil servants and appointed senior public officials, as both are subject to different laws, on open government principles.

One of the aims of Biscay’s open government agenda is to spur a culture change in the public sector. However, the OGAP does not include any direct commitment or milestone related to training or capacity building for the public service in open government as a whole. Although training in transparency is essential and constitutes a good practice, not including it under an open government umbrella reinforces the fragmented approach of the open government agenda.

Effective communication within the public administration about the open government strategy and its initiatives is a key element supporting the implementation of this agenda. Biscay does not have a comprehensive internal communications campaign on open government for all public officials. Currently, the dissemination of this information is fragmented by sectors and is mainly focused on transparency.

ENHANCING DIALOGUE SKILLS FOR CIVIL SERVANTS IN FINLAND

Effective communication is important in strengthening the relationship between governments and citizens. Finland acknowledged the significance of sound dialogue skills for civil servants and included commitments to further improve these skills in its first Open Government Partnership (OGP) Action Plan (2013-14). The following six concrete aims were formulated:

1. Standard language titles and resumes will be drafted for government proposals.
2. Visualisation of decisions with a special focus on expenditures of the state budget will be created.
3. Training will be organised for civil servants on the use of clear language and plain language, including committing to the use of terms already known.
4. The comprehensibility of texts produced by the public administration will be tested together with citizens and service users.
5. The terms and concepts used in public administration and service production will be standardised and clarified.
6. The comprehensibility of customer letters and decisions will be enhanced, especially when using standard texts.

These commitments were taken up again in the second OGP Action Plan, which contains a commitment on “clear administration”, among others. The main objectives that contribute to a more tangible and easy-to-understand bureaucracy are:

- Clear structures and processes in addition to customer orientation are targeted in major reforms.
- Structures and processes are described so that citizens know which authority should be contacted for different issues.
- The official parlance is correct, clear and easy to understand.
- Information on issues under preparation is available and can be easily found.
- Administration receives feedback and takes it into account when developing its ways of working.

ENSURING A SUSTAINABLE IMPLEMENTATION OF BISCAY’S OPEN GOVERNMENT AGENDA

HIGHLIGHTS

■ developing a training module for all public officials on the principles and the definition of open government;

■ including a commitment that refers directly to training on several aspects of open government.

Reinforce internal communications to raise awareness and understanding of open government reforms by:

■ expanding the content available in seminars and on the online portal for public officials, to include information on the open government agenda as a whole;

■ convening the open government officers of each department in a network to strengthen their involvement in communication and share good practices as well as lessons learned.

MAIN RECOMMENDATIONS AND PROPOSALS FOR ACTION

Raise open government literacy among its public officials and embed skills and capabilities that promote accountability, integrity, transparency and stakeholder participation in public officials’ daily responsibilities. In order to do so, Biscay could consider to:

■ Include open-government-related principles and skills in competency frameworks, codes of conduct and job profiles by:

■ developing a code of conduct or charter on open government for all public officials;

■ including, for certain positions, specific skills related to stakeholder participation.

■ Ensure that training continually raises awareness and strengthens skills by:

■ developing a training module for all public officials on the principles and the definition of open government;

■ including a commitment that refers directly to training on several aspects of open government.
3. Ensuring a sustainable implementation of Biscay’s open government agenda

BISCAY’S INITIATIVES ON DIGITAL GOVERNMENT AND OPEN DATA CONTRIBUTE TO THE OPEN GOVERNMENT AGENDA

Digital government refers to the use of digital technologies, as an integrated part of governments’ modernisation strategies, to create public value. From an open government perspective, the implementation of digital initiatives can help modernise the public administration and therefore contribute to a government’s internal capacity to provide better services. In fact, in many countries and regions, a digital government and open data agenda have driven the open government agenda (see Figure).

In Biscay, the General Directorate of Modernisation has the overarching mandate to modernise the administration by simplifying internal processes and reducing administrative burdens. In order to implement this mandate, it develops the necessary technological tools and innovative solutions through Lantik, a state-owned enterprise created in 1981 dedicated to plan and implement the IT policies defined by the Provincial Council as well as tools and solutions for the provincial bodies. They are then transferred to the municipalities through BiscayTIK, a non-profit public institution.

Initiatives on open government currently being implemented or have already been implemented

![Graph showing initiatives on open government]
Biscay has integrated and implemented several digital initiatives in its open government agenda through specific commitments in the OGAP 2017-19. For example, the Province launched its open data portal in February of 2018 and published 16 datasets in a standardised and open format. However, there seems to be a limited demand for provincial public data by open data organizations in Biscay.

Biscay has also made efforts to reduce bureaucracy by making online procedures possible and putting in use an interoperability agreement within the Departments of Biscay’s central government, the municipalities and the Basque Country.

Furthermore, Biscay aims to develop technological tools for the municipalities through BiscayTIK. Currently, more than 100 municipalities collaborate with it to various extents, most of them working to create online portals and provide e-services. These collaborations help provide a level playing field for municipalities when helping them adopt new technologies, and thus provide better public services.

MAIN RECOMMENDATIONS AND PROPOSALS FOR ACTION

Continue with its efforts on digital government, by:

- Continuing to collaborate with local open data organisations and Basque administrations, and organising activities to further develop external demand for data.

- Further increasing collaboration with municipalities, through BiscayTIK, to tailor new technological tools that target stakeholder participation, in line with the characteristics and needs of the municipalities.
4. Building a monitoring and evaluation framework for open government

A robust monitoring and evaluation (M&E) system is essential to ensure that, as for any other policy area, open government strategies and initiatives are achieving their intended goals. It serves to highlight the achievements, relevance and visibility of these initiatives across government and therefore provides incentives to ensure that the design and delivery of public policies are transparent, open and inclusive. Sound M&E can also help identify challenges and obstacles that hinder effective policy implementation, as well as show the way forward to address them, based on lessons learned about what has worked (or not) in the past.

TOWARDS A ROBUST MONITORING AND EVALUATION SYSTEM

Notwithstanding their complementarity, monitoring and evaluation are two different practices, with different dynamics and goals. Policy monitoring refers to a continuous function that uses systematic data collection on specific indicators to provide policy makers and stakeholders with information regarding progress and achievements of an ongoing initiative and/or the use of allocated funds. Policy evaluation refers to the structured and objective assessment of the design, implementation and/or results of a future, ongoing or completed policy initiative.

Comparing policy monitoring and policy evaluation

<table>
<thead>
<tr>
<th>Policy monitoring</th>
<th>Policy evaluation</th>
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<tbody>
<tr>
<td>Ongoing (leading to operational decision-making)</td>
<td>Episodic (leading to strategic decision-making)</td>
</tr>
<tr>
<td>Monitoring systems are generally suitable for the broad issues/questions that were anticipated in the policy design</td>
<td>Issue-specific</td>
</tr>
<tr>
<td>Measures are developed, and data are usually gathered through routinised processes</td>
<td>Measures are usually customised for each policy evaluation</td>
</tr>
<tr>
<td>Attribution is generally assumed</td>
<td>Attribution of observed outcomes is usually a key question</td>
</tr>
<tr>
<td>Because it is ongoing, resources are usually a part of the programme or organisational infrastructure</td>
<td>Targeted resources are needed for each policy evaluation</td>
</tr>
<tr>
<td>Use of the information can evolve over time to reflect changing information needs and priorities</td>
<td>The intended purposes of policy evaluation are usually negotiated upfront</td>
</tr>
</tbody>
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The development of an M&E system is a high priority for Biscay’s 2015-19 administration, as expressed in the OGAP and outlined in specific deliverables, such as the creation of evaluation tools and indicators. However, to date, Biscay does not have the needed legal or policy framework to guide M&E across government.

Biscay’s two key actors with shared M&E responsibilities are the Observatory of Biscay and the Directorate General of Good Governance and Transparency. A certain degree of overlap and confusion regarding the division of labour between the two bodies was found during the review process, as well as some gaps regarding responsibilities for defining the course of action for commissioning evaluations; developing skills, competences and/or qualifications of evaluators; and ensuring quality standards on M&E.
Responsibilities for monitoring and evaluation within Biscay’s public entities

<table>
<thead>
<tr>
<th>Functions</th>
<th>Behatokia</th>
<th>General Directorate of Good Governance &amp; Transparency</th>
<th>General Directorate of Modernisation</th>
<th>Civil service</th>
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<tr>
<td>Defining and updating the evaluation policy</td>
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<td>Developing guideline(s) for policy evaluation</td>
<td></td>
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<td>✓</td>
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<tr>
<td>Providing incentives for carrying out policy evaluations</td>
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<tr>
<td>Undertaking policy evaluations</td>
<td>✓</td>
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<tr>
<td>Requiring government institutions to undertake specific policy evaluations</td>
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<tr>
<td>Defining course of action for commissioning evaluations</td>
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<tr>
<td>Developing skills, competences and/or qualifications of evaluators</td>
<td></td>
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<td>✓</td>
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<tr>
<td>Developing standards for ethical conduct</td>
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<tr>
<td>Design data collection tools supporting policy monitoring</td>
<td></td>
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<td>✓</td>
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<tr>
<td>Ensuring quality standards of evaluations</td>
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<tr>
<td>Ensuring the quality of monitoring data</td>
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<tr>
<td>Promoting stakeholder engagement in policy monitoring and evaluation</td>
<td></td>
<td></td>
<td>✓</td>
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<tr>
<td>Overseeing the monitoring and evaluation calendar and reporting</td>
<td></td>
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<td>✓</td>
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<tr>
<td>Reporting monitoring results</td>
<td></td>
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<td>✓</td>
<td></td>
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<tr>
<td>Following up on evaluation reports</td>
<td></td>
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<tr>
<td>Serving as a knowledge centre and providing a platform for exchange on M&amp;E</td>
<td></td>
<td></td>
<td>✓</td>
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<tr>
<td>Use of data collected by policy monitoring</td>
<td></td>
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<tr>
<td>Promoting the use of evaluation findings into policy making</td>
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</tbody>
</table>

**Note:** *the Civil Service has two functions: developing skills, competences and/or qualifications of evaluators as well as developing standards for ethical conduct. However, these are not linked to M&E.*

**Behatokia** stands for General Directorate of the Observatory of Biscay and Civil service stands for Directorate-General of the Legal Regime and Civil Service.


One of the challenges that Biscay is facing today is the lack of capacity building activities (training courses) and tools (guidelines) to build skills development in M&E.

**MAIN RECOMMENDATIONS AND PROPOSALS FOR ACTION**

Invest in the further development of a coherent M&E system, supported by a sound institutional framework, by:

- Centralising responsibilities regarding M&E into a single institution in charge of 1) developing a whole-of-government M&E system; and 2) promoting the use and quality of monitoring and evaluation across government. Such an institution could be responsible for conducting M&E across government and/or developing guidelines, training courses, and quality checks for other departments wishing to carry out their own M&E. It could also promote the use of evidence resulting from M&E efforts.

- Providing a clear mandate that sets out specific tasks and responsibilities regarding the M&E agenda appropriate to the institutional set-up chosen.

- Establishing a co-ordination instrument, such as an M&E council or committee, to coordinate M&E across government.

- Fostering an M&E culture among public officials and stakeholders by 1) including a particular M&E dimension in the ethical code and training modules; and 2) offering specific training courses on policy M&E for public officials.
4. Building a monitoring and evaluation framework for open government

**MONITORING AND EVALUATION OF OPEN GOVERNMENT STRATEGIES AND INITIATIVES IN BISCAY**

As stated in the OECD Recommendation, identifying institutional actors in charge of collecting and disseminating up-to-date and reliable information and data in an open format is key to developing and implementing monitoring, evaluation and learning mechanisms for open government strategies and initiatives.

Biscay has decided to monitor the implementation of the OGAP by collecting information from citizens and its departments on the progress made for each commitment or priority axis on a yearly basis and reporting this information through intermediate self-evaluation reports.

In order to collect the information for the OGAP’s 2018 intermediate self-evaluation report, Biscay developed a perceptions-based methodology that includes both citizens and public officials’ views on the implementation of the commitments and priority axes of the OGAP. The applied methodology consisted of two phases to assess the degree of fulfilment of the OGAP. The first phase was composed of: 1) a citizens’ survey; and 2) a public officials’ survey for those involved in the implementation of the OGAP initiatives. The second phase was composed of interviews and questionnaires with public officials responsible for the delivery of each of the commitments in each of the departments.

Engaging citizens and public officials in the assessment of the progress made on the OGAP may have created a sense of ownership of the open government agenda, as well as promoted its principles both inside and outside Biscay’s public institutions. Nevertheless, data collected in this way is not necessarily completely reliable, as perception-based measurements of the efficacy of public institutions are usually biased due to external factors.
During the second phase, information was collected through tailored questionnaires and bilateral interviews with those public officials responsible for the delivery of each of the commitments. This phase focused at three objectives: 1) obtaining a detailed view of the degree of progress made on each commitment in order to have an overview of the achievement of the plan as a whole; 2) identifying deviations and challenges in the implementation; and 3) identifying good practices.

The collection of information through the questionnaire and the bilateral interviews was useful to identify good practices and lessons learned, as well to identify some challenges and opportunities for improvement. However, this perception-based methodology does not generate an objective assessment of the progress made on each commitment. Also, while the methodology focuses on (perceived) achievements, it is not particularly helpful in unpacking the "why" of a strong or weak performance (e.g. lack of skills, lack of incentives, etc.).

In sum, the current data collection process only provides a snapshot of the situation in a specific moment, completely driven by perception-based analysis. Moreover, the approach is very resource-intensive (e.g. in situ interviews), compared to the information yielded (i.e. implementation progress).

**MAIN RECOMMENDATIONS AND PROPOSALS FOR ACTION**

*Monitor and evaluate open government strategies and initiatives,* by:

- Developing a monitoring mechanism to collect regular, up-to-date quantitative data on the implementation of the different open government initiatives. This could be operationalised, for instance, through the creation of a dashboard embedded in Biscay’s data collection platform.

- Pursuing specific initiatives to advance towards the development of governance indicators gradually. A theory of change approach could be instrumental in ensuring that each initiative carried out within the open government strategy pursues a specific objective (outcome and impact) related to the improvement of public governance and/or service delivery.

**HIGHLIGHTS**

*Mexico*

In its report on Mexico’s first Open Government Partnership (OGP) Action Plan, the Independent Reporting Mechanism (IRM) stated that Mexico should aim to strengthen the monitoring and evaluation of the commitments included in its Action Plan. In response, Mexico developed its own methodology to monitor and evaluate its OGP commitments and ensure subsequent communication. Mexico’s “Open Government Dashboard” identifies specific actions, deadlines and clear responsibilities, both for civil servants and for civil society; the data are public and include a control board powered by real-time information on the progress of each commitment. The Open Government Dashboard visualizes the advances or remaining challenges of each of the commitments, allows citizens to track the progress made so far on each open-government commitment, and offers links to the government bodies in charge of the implementation to obtain further information and points of contact. In addition, the dashboard offers detailed explanations of the concrete actions that have been taken so far to fulfil the commitment. The website provides additional information for interested citizens and other stakeholders.

*Spain*

Spain established a dashboard for monitoring its third open government action plan. The progress made is updated every three months in all the available categories, including axis, commitment and category. Also, stakeholders can provide comments through a questionnaire available for each commitment. The dashboard provides detailed information on the progress, including briefing notes, outcomes, dates for each activities, and the state of implementation of each activity, among other. A general summary is provided with the progress made on the overall plan. This dashboard provides valuable data to monitor the implementation of the plan.

**A DASHBOARD FOR MONITORING OPEN GOVERNMENT STRATEGIES**

5. Mainstreaming stakeholder participation in Biscay

National and local governments alike are going beyond providing services to pursue greater partnerships with all relevant stakeholders, by moving away from one-way approaches to providing information, to new ones that encourage an active two-way dialogue. Stakeholders are no longer passive receptors but participate jointly with governments to build value and provide better and more targeted public services.

ENSURING A PROPER LEGAL, INSTITUTIONAL AND POLICY FRAMEWORK FOR SUCCESSFUL STAKEHOLDER PARTICIPATION

Governments should consider investing adequate time and resources in building robust legal, policy and institutional frameworks in order to enable stakeholder participation. A series of preconditions should be considered, including a committed leadership with politicians and senior public managers that are supportive of these practices; a policy framework focusing on stakeholder participation in the policy-making cycle can be of great help; as well as the right capacities and skills for both public officials and citizenry.

Biscay has shown strong political commitment and leadership to consolidate stakeholder participation as an essential component of the policy-making cycle and as a core principle of its open government agenda.

The OGAP calls for the development of a model for citizen participation. In that context, Biscay published throughout 2018:

- a Plan for Participation 2018-19, which sets a roadmap to increase citizen participation throughout the whole policy cycle through 5 key priority and thematic areas and 13 specific actions;

- a Model for Citizen Participation, which provides general guidance to the departments of the Province while leaving enough space for adaptation for each department’s particular needs;

- a Map for Citizen Participation, which provides an overview of the existing participative initiatives in different policy areas and different stages of the policy cycle during 2017 in Biscay.
MAINSTREAMING STAKEHOLDER PARTICIPATION IN BISCAY

HIGHLIGHTS

These are a conducive policy framework to implement stakeholder participation initiatives. In order to consolidate it in the long term, other OECD countries have passed laws and regulations in this policy area.

A key element supporting the implementation of participation initiatives and the open government agenda as a whole is having effective communication and capacity building. Communication with stakeholders concerning the OGAP takes place mainly through a centralised website, a quarterly online newsletter (with around 8,000 subscribers) and social media – Twitter and Facebook – for specific events or initiatives. More generally, the current communication strategy for participation and for open government reforms targets only specific initiatives, revealing the need to raise their awareness and understanding.

MAIN RECOMMENDATIONS AND PROPOSALS FOR ACTION

Ensure a proper legal, institutional and policy framework for successful stakeholder participation. In order to do so, Biscay could consider to:

- Reinforce the Model for Citizen Participation by:
  - streamlining the model guidelines to ensure coherence among the different practices and departments;
  - introducing additional elements that will help guide the decision of which initiative to replicate.

- Strengthen the Map for Citizen Participation by:
  - listing the initiatives that have a specific focus on stakeholder participation under information, consultation and engagement if a new map is drafted;
  - including in the next version of the map more information under each of the initiatives. The information could include the stakeholders involved, the mechanism(s) used for participation, the time associated to it as well as the cost, the unit responsible within the department and the communication and evaluation mechanisms.

- Consolidate the Plan for Participation 2018-19, the Model and the Map as the framework for stakeholder participation by:
  - carrying out a series of dissemination campaigns to ensure that the framework is well known and implemented by all departments;
  - complementing the framework (Plan, Model and Map) with more tailored guidelines that address the particularities of each sector to increase their impact.

- Consider developing a communication plan dedicated to the open government agenda in order to raise awareness, ensure understanding and increase buy-in from new stakeholders. If Biscay decides to elaborate such a plan, it could consider using an inclusive approach so as to take into consideration marginalised and underrepresented groups.
5. Mainstreaming stakeholder participation in Biscay

DEVELOPING AND STRENGTHENING BISCAY’S STAKEHOLDER PARTICIPATION INITIATIVES

In order to improve outcomes, effective stakeholder participation initiatives should be implemented throughout the entire policy cycle and service delivery: from the definition of policy priorities or the service to be provided, to the drafting process, its implementation and its monitoring and evaluation.

The modalities of participation are defined as information, consultation and engagement. Information is the initial level of participation characterised by a one-way relationship in which the government produces and delivers information to stakeholders. In addition to the ATI, Biscay has created other mechanisms to share information with stakeholders, such as the innovative two-phase initiative for information and accountability. The first phase consists of a series of workshops called “Encuentros con Unai” and the second of the Bizkaia Goazen Bus.

Consultation is a more advanced level of participation that entails a two-way relationship in which stakeholders are asked to provide feedback to governments and vice versa. A typical example of consultation practices include comments on draft legislations. Biscay has two mechanisms to encourage participation in regulatory processes: prior consultation (consulta previa) and public hearings and information (audiencia e información pública).

Engagement can be defined as a relationship or collaboration between governments and stakeholders, where they are given the opportunity and the necessary resources to collaborate during different phases of the policy cycle and in the design and delivery of services. In Biscay, setting policy priorities using a participatory process occurs mainly during the elaboration of certain sectoral plans. Such was the case for the co-design of the Plan for Participation and Quality of Life of People with Disabilities in Biscay 2016-19, with different stakeholders through existing formal participative bodies, namely the Civil Dialogue Table (Mesa de Diálogo Civil).

Biscay also has several participation initiatives focused on improving public services. The most prominent example is the process to elaborate service charters (cartas de servicios), Biscay drafted guidelines for the public service and include, as a crucial element, a consultation phase with users of the services provided.

STAKEHOLDER PARTICIPATION IN OPEN GOVERNMENT REFORMS

Biscay involved several stakeholders in the three consultation phases that were conducted for the elaboration of the OGAP, including citizens, civil society organisations, and public officials from different departments of the Provincial Council, policy experts and academics. In addition, the OGAP’s intermediate self-evaluation report showed that...
most stakeholders perceived positive progress made on the open government initiatives.

According to the intermediate self-evaluation report, some OGAP commitments involved stakeholders in the design, implementation and monitoring of certain initiatives. However, this involvement seems to occur more on an ad hoc basis and only for certain initiatives, rather than systematically.

In addition, the sectoral implementation of the OGAP implies that the stakeholders involved in some of the initiatives are not necessarily engaged, nor aware of, the overarching plan.

**MAIN RECOMMENDATIONS AND PROPOSALS FOR ACTION**

**Further foster and strengthen stakeholder participation initiatives**, by:

- Continuing to expand the Encuentros con Unai and the Bizkaia Goazen Bus, as these initiatives allow citizens to exchange on a wide range of topics and discuss them directly with the president of the Province, and provides an innovative means to be informed and exchange with heads of departments (ministers) on sectoral topics.

- Making further efforts to increase awareness of the Provincial Decree of Biscay for the Elaboration of Proceedings, the prior consultation (consulta previa) and public hearings and information (audiencia e información pública), the Regulatory Annual Plan and their benefits through awareness-raising campaigns, as indicated in the Plan for Participation 2018-19.

- Involving citizens in the co-design of policy priorities in sectors other than the social sector, as well as in horizontal policies.

- Ensuring that the consultation phase takes place in the overall elaboration of the service charters of the other public entities, as this is a relevant way to integrate user needs when adapting public services.

- Transferring the good practices and know-how of integrating key stakeholders to ensure that all plans – including horizontal policies – co-identify needs, co-draft, co-monitor and evaluate.

**Broaden stakeholder participation in open government reforms**, by:

- Involving, if Biscay were to elaborate a new open government strategy, more stakeholders in order to ensure buy-in from key actors, both within and outside the government.

- Making further efforts to engage stakeholders systematically in the development, implementation and monitoring of the open government strategy.
OECD WORK ON OPEN GOVERNMENT

OECD Open Government Reviews are part of the OECD’s broader work in this area that includes, among other, the following elements:

- The **Recommendation of the Council on Open Government**, which represents the first international legal instrument on Open Government. Adopted by the OECD Council on 14 December 2017, it defines a set of criteria that help adhering countries to design and implement successful open government agendas. The Recommendation is available in:
  - English (http://oe.cd/ogrec),
  - French (http://oe.cd/ogrecfr),
  - Spanish (http://oe.cd/ogrecesp).
- Regional comparative analysis and Networks on Open and Innovative Government as regular forums for exchange and peer dialogue in the Middle East and North Africa (MENA) region, Latin America and the Caribbean and Southeast Asia. The Networks serve as platforms to provide countries from the respective regions with the opportunity to exchange ideas, experiences, and knowledge on how to build better and stronger public institutions in the areas of open government and citizen participation, public sector innovation and digital governance and open data.
- **Dialogue with a wide range of stakeholders:** governments, civil society, private sector, media, academia and independent institutions (e.g. ombudsman).
- Dissemination and capacity building events to support the implementation of reforms.
- The OECD official partnership with the **Open Government Partnership (OGP)** to support countries in becoming eligible, drafting national action plans and evaluating impact.
OTHER OPEN GOVERNMENT PUBLICATIONS

Open Government in Argentina (2019)

Towards a New Partnership with Citizens - Jordan’s Decentralisation Reform (2017)

Towards an Open Government in Kazakhstan (2017)


The role of Ombudsman Institutions (2018)