

## Chapter 5. Mainstreaming stakeholder participation in Biscay

*This chapter describes the importance of stakeholder participation in policy making and in service delivery and illustrates how stakeholders can be involved through information, consultation and engagement. Equally, it assesses the legal, institutional and policy framework for successful stakeholder participation in the province of Biscay. Finally, it reviews how participation is carried out in the context of the open government agenda, as well as throughout the policy cycle, in Biscay.*

## Introduction

Governments today are facing an evolving context in which citizens express lower levels of trust in public institutions and increased demand for transparency and accountability. There is higher scrutiny of public actions, decisions and the quality and quantity of public services delivered. This is happening at a time in which public governance's legal, institutional and policy frameworks are being transformed and the relationship between governments and citizens is being reshaped (OECD, 2016<sup>[1]</sup>). This is a consequence of the widespread use of digital technologies, coupled with improved Internet penetration worldwide, the increasing presence of politicians and public institutions on social media, the open government movement and the consequent diffusion of the principles and practices of transparency and stakeholder participation.

As a direct result, a wide range of stakeholders is demanding greater participation in the design and implementation of the public policies that affect their lives, by requesting access to public information and demanding co-creation and, at times, co-delivery of public services. To that effect, ensuring stakeholder participation throughout the policy cycle allows governments to respond to these expectations, by designing better and tailored policies, and improve their implementation (OECD, 2011<sup>[2]</sup>). National and local governments are going beyond the role of providing services to pursuing a greater partnership with all relevant stakeholders by moving away from approaches that have mostly focused on providing information, to new ones that encourage a focus on 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 (OECD, 2016<sup>[1]</sup>).

As in any other policy area, in the field of open government reforms, stakeholders can contribute by providing essential analysis, ideas and expertise to the development, implementation and monitoring of an open government strategy as well as its associated initiatives. Along these lines, the OECD Recommendation of the Council on Open Government (hereafter the "OECD Recommendation") has acknowledged the role of stakeholders and states three provisions to facilitate their involvement in open government reforms:

*"Actively communicate on open government strategies and initiatives, as well as on their outputs, outcomes and impacts, in order to ensure that they are well-known within and outside government, to favour their uptake, as well as to stimulate stakeholder buy-in."* - Provision 6

*"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."* - Provision 8

*"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."* - Provision 9 (OECD, 2017<sup>[3]</sup>).

This chapter describes the importance of stakeholder participation in policy making and service delivery, as well as Biscay's legal, institutional and policy framework to ensure its success. Finally, it reviews how participation is carried out in the context of the open government agenda, as well as throughout the policy cycle, in Biscay.

## Ensuring a proper legal, institutional and policy framework for successful stakeholder participation

The OECD defines stakeholders as “any interested and/or affected party, including: individuals, regardless of their age, gender, sexual orientation, religious and political affiliations; and institutions and organisations, whether governmental or non-governmental, from civil society, academia, the media or the private sector” (OECD, 2017<sup>[3]</sup>). The role they can play is multiple. They can be watchdogs, in order to hold institutions accountable and promote transparency; advocates, to raise awareness of societal issues and challenges; and promoters of change, by identifying and creating solutions. They can bring unique knowledge and experience to shape public policies and strategies and, if needed, they can also deliver services to meet societal needs and be considered trainers to provide education, transfer knowledge and carry out capacity-building activities (OECD, 2016<sup>[1]</sup>).

While the province of Biscay (legally referred as “historic territory”<sup>1</sup>) has a strong participation culture, especially in the social sector (Box 5.1), participation has not been a constant in the Province. Historically, policies regarding association groups implemented during the dictatorship of Francisco Franco, period known as *Franquismo*, along with the actions of separatist groups in the region, slowed the development of active civil society. Currently, the Provincial Council of Biscay (*Diputación Foral de Bizkaia*, hereafter “Biscay”), which constitutes the government of the Province, is experiencing a change of paradigm; stakeholders are moving from being governed to an active society in different policy areas.

### Box 5.1. The historical context of stakeholder participation in social policies in Biscay

The organisations and networks of the third sector in Biscay have extensive experience in engagement with the Provincial Council of Biscay. This collaboration dates back to the 1960s during the dictatorship of Francisco Franco, period known as *Franquismo*, when several informal organisations of neighbours and families started to spread in the territory to provide services for people with disabilities and with social inclusion problems.

During the democratic transition that came with the end of the *Franquismo* in 1975, the informal organisations became formal associations or foundations. Over time, they increased in scope, size and level of formality and became involved in the provision of services for the disabled as well as in the development of other activities, e.g. identifying the needs of the user, research in these topics, developing strategies to raise awareness, among others. This took place at a time of fiscal constraints and limited citizen participation due to the policies of the *Franquismo*.

During the democratic transition, these associations and foundations had limited support from the government due to the process that the Provincial Council of Biscay itself was going through, with the adoption of the Statute of Autonomy in 1979 and the economic agreement (now called “concert”), formally established in 1981.

As the Province progressed, so did the collaboration with associations. The latter contributed to the development of a framework of laws and regulations for social services in Biscay and the Basque Country. The first law in this sector was adopted in 1982 at the Basque Country level. Other laws and decrees followed. Notably, a Provincial Decree of 2003 defined civil dialogue and recognised the rights of the people with disabilities. This paved the way for the elaboration of the Civil Dialogue Table, a space where associations could collaborate with the Provincial Council to jointly plan, implement and evaluate social policies. This space was formalised and regulated with a Provincial Decree in 2016.

The decree defined civil dialogue as a “formal process of dialogue and collaboration between the public sector and the organisations and networks of the third social sector, to guide, drive and evaluate the social policies and any other initiative of the public sector and the third social sector.” Also, it stipulates which organisations are considered members of the third social sector in Biscay and lists the objectives as well as the composition and organisation of the Civil Dialogue Table.

*Source:* Bizkaia (n.d.<sup>[4]</sup>), “Mesa de Diálogo Civil”, [http://www.bizkaia.eus/home2/Temas/DetalleTema.asp?Tem\\_Codigo=6860&Idioma=CA](http://www.bizkaia.eus/home2/Temas/DetalleTema.asp?Tem_Codigo=6860&Idioma=CA); Bizkaia (n.d.<sup>[5]</sup>), “Presentación de la Mesa de Diálogo Civil de Bizkaia”, <http://www.bizkaia.eus/home2/Archivos/DPTO3/Temas/Pdf/PRESENTACION%20MDC.pdf>; Departamento de Empleo, Inclusión Social e Igualdad (2016<sup>[6]</sup>), “Decreto Foral de la Diputación Foral de Bizkaia 154/2016, de 18 de octubre, por el que se formaliza y regula la Mesa de Diálogo Civil de Bizkaia”, BOB 203, <http://www.bizkaia.eus/home2/Archivos/DPTO3/Temas/Pdf/decreto%20mesa%20dialogo%20civil.pdf?hash=2e2911868d1331a90da27876bbfe66f8&idioma=CA>.

Biscay has an important concentration of civil society organisations (CSOs) compared to the other provinces in the Basque Country. In 2015, Biscay had 2 000 CSOs in total, while *Gipuzkoa* had 1 000 and *Araba* had 500. Most of the CSOs of the province are developed around the social sector (25.9%), civil services including vulnerable groups (elderly; women; ethnic minorities; lesbian, gay, bisexual and transgender [LGBT+]; immigrants, etc.) (33%). Other sectors with a significant amount of CSOs in Biscay include education, youth and children (12.7%) and poverty alleviation and development aid (13.1%) (Observatory of the Third Sector, 2015<sup>[7]</sup>). This reveals that few CSOs exist in horizontal policies such as open government, open data, transparency, and anti-corruption. In order to foster the creation of such CSOs, Biscay could benefit from the current Open Government Partnership (OGP) process with the Basque Country, in particular through the commitment related to the creation of an I-Lab innovation for citizen engagement to encourage the creation of horizontal CSOs and other collaboration networks in the Province. This laboratory would carry out research, test, learn and build concrete and usable citizen participation solutions in order to boost these initiatives in the Basque Country (OGP Basque Country, 2018<sup>[8]</sup>).

Furthermore, governments are working to strengthen stakeholder participation in order to:

- improve the quality of policy, by tapping wider sources of information, perspectives, and potential solutions in order to meet the challenges of policy making under conditions of increasing complexity, policy interdependence and time pressures
- meet the challenges of the contemporary information society, to prepare for greater and faster interactions with stakeholders and to ensure better knowledge management

- integrate public views, comments and feedback into the policy-making process, in order to meet their expectations and needs
- respond to calls for greater government transparency and accountability, as public and media scrutiny of government actions increases, and as standards in public life become more common and known
- strengthen public trust in government and reverse the steady erosion of voter turnout in elections, falling membership in political parties and declining confidence in key public institutions (OECD, 2001<sup>[9]</sup>).

If executed well, stakeholder participation in policy making and service delivery can be a sound investment as it bears a great number of instrumental and intrinsic benefits for all those involved. Instrumental benefits (i.e. better results) refers to the idea that participation can improve the quality of policies, laws and services, as they were elaborated, implemented and evaluated based on better evidence and a more informed choice. They may also benefit from the innovative ideas of citizens and be more cost-effective. Intrinsic benefits (i.e. a better and more democratic policy-making process), on the other hand, refers to a more transparent, inclusive, legitimate and accountable policy-making process contributing to strengthening representative democracy, building trust in government as well as in public institutions, and creating social cohesion (OECD, 2016<sup>[10]</sup>), (OECD, 2015<sup>[11]</sup>), (Corella, 2011<sup>[12]</sup>)).

The OECD Recommendation defines stakeholder participation as all the ways in which they can be involved in the policy cycle and in service design and delivery, including information, consultation and engagement (OECD, 2017<sup>[3]</sup>). Stakeholder participation requires an adequate framework in order to be successfully implemented. There is no “one-size-fits-all” model for governments on how to engage with their citizens, as the specific context of every national and local territory affects these interactions (UNDESA, 2011<sup>[13]</sup>). Having the right model adapted to each context is of utmost importance because if it is not implemented or designed correctly, it can have the opposite effect and engender feelings such as frustration, lack of trust, loss of legitimacy and less willingness to engage (Fung, 2015<sup>[14]</sup>).

Increasingly, stakeholder participation is used for the provision of public services (OECD, 2015<sup>[11]</sup>). As argued in the OECD report on open government, “this form of participation tends to challenge existing organisation values and practices in the sector and can have positive implications for accountability” (OECD, 2016<sup>[11]</sup>). OECD evidence shows that co-design and co-delivery of public services have led to cost reductions, better service quality and improved user satisfaction (OECD, 2011<sup>[2]</sup>). Therefore, national and local governments should consider investing adequate time and resources in building robust legal, policy and institutional frameworks in order to enable stakeholder participation.

In addition, a series of preconditions should also 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 cycle can be of great help; as well as the right capacities and skills for both public officials and citizenry.

### *Biscay’s political commitment and leadership towards stakeholder participation*

Biscay has shown strong political commitment and leadership to consolidate stakeholder participation as an important component of the policy-making cycle since the beginning of President Unai Rementería’s mandate. As mentioned in Chapter 2, he declared in his

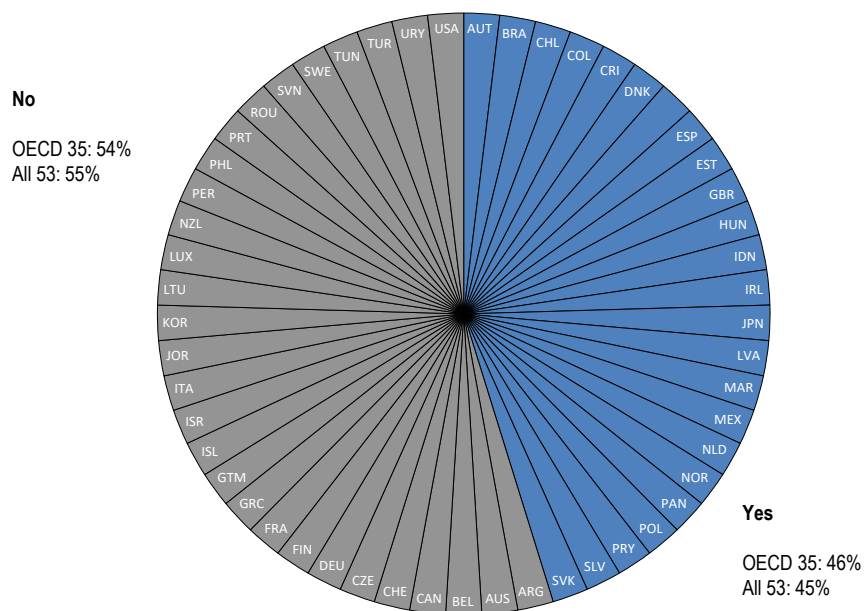
inaugural address that “the drive for initiatives to increase transparency and participation will be one of the first measures of our new governing team” (Rementeria, 2015<sub>[15]</sub>). This commitment to participation is reflected in the third axis of *Bizkaia Goazen 2030*, the provincial strategic plan, which aims for a modern, close and responsible public administration. One strategic objective of this axis is “achieving a closer Provincial Council”, which touches upon citizen participation and underscores the importance of having active citizenship while recognising the role of the government in providing the tools to enable it (Provincial Council of Biscay, 2015<sub>[16]</sub>).

Citizen participation is also a core principle of Biscay’s open government agenda. As mentioned in the characteristics of their open government definition in Chapter 2, Biscay seeks to become a participative government by creating new opportunities for participation across the entire policy cycle with a perspective of co-responsibility. This was included as a specific commitment of the Open Government Action Plan (OGAP), namely to “develop a model for citizen participation”. The objectives of creating such a model are to promote a participative culture in the Province and to consolidate participation as a mechanism to improve public governance and service delivery (Provincial Council of Biscay, 2017<sub>[17]</sub>). However, changes that affect the individual, as well as ensuring that they are rooted in a new culture of governance, require a certain amount of time, which may last longer than one legislature. In order to guarantee the long-term sustainability of these efforts, Biscay needs to maintain its high-level commitment to stakeholder participation in policy making, design and implementation.

### *Consolidating the policy framework for stakeholder participation*

Mainstreaming stakeholder participation across the public administration can help governments provide a common framework so that all initiatives have similar, standardised characteristics allowing for replicability and predictability. An overarching document may foster an integrated approach throughout the government by including a description of specific tools to involve citizens in all phases of the policy cycle as well as the different forms and mechanisms for participation. It should be linked to a government’s open government strategy in order to ensure that these practices are in line with broader objectives and that they are not carried out in isolation. This will reduce duplication and may create economies of scale. Such a document can take different forms, including that of a strategy, a policy, a law, an internal directive, a guide, or a manual (OECD, 2016<sub>[18]</sub>). As shown in Figure 5.1, 54% of OECD countries do not have an overarching document focusing on citizen participation in the policy cycle. The 46% of OECD countries that do have one have documents that take different forms, such as a *policy* as in Turkey and the United Kingdom, a *strategy* in Austria, a *guide* in Ireland and a *law* in Korea and Sweden (OECD, 2016<sub>[1]</sub>). As for the elaboration of laws, policies, guidelines or manuals on citizen participation ensuring the right implementation of measures and efforts is key to guarantee their success.

**Figure 5.1. Availability of an overarching document focusing on citizen participation in the policy cycle**



Source: OECD (2016<sup>[11]</sup>), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

In Biscay, as discussed above and in Chapter 2, Commitment 6 of the OGAP calls for the development of a model for citizen participation. The commitment established three actions for its creation:

1. develop tools (web/apps) to promote participation in projects, decrees, provincial laws, etc.
2. elaborate a map with all initiatives of participation in the Provincial Council
3. provide internal and external training for citizen participation (Provincial Council of Biscay, 2017<sup>[17]</sup>).

Linked to the first action, the initial measure taken by the Observatory of Biscay (hereafter “*Behatokia*”) was to elaborate a website with the main characteristics of their model of citizen participation and with general guidelines and advice for any public institution or department of the Provincial Council (or provincial ministries, hereafter “Departments”) interested in elaborating a participative initiative. During the OECD fact-finding mission, the Provincial Council expressed that the objective of creating such a model was to provide general guidance to the departments while leaving enough space for adaptation for each department’s particular needs. The characteristics included a description of how the Provincial Council defines citizen participation, namely:

- Participation must have clear and measurable objectives.
- Participation is fostered in order to improve governance and service delivery; however, the responsibility relies on the institutions.
- The aim is to incorporate new voices in participation.

- To participate is to assume commitments.
- Participation initiatives are processes where everyone learns.
- Enough resources should be allocated to promote participation effectively.

The general guidelines included a list of suggestions on:

- how to elaborate a high-quality participative initiative (for example, by defining objectives and setting limits)
- what methodologies to follow (knowing what already exists)
- what mechanisms and tools could be used (for example, online tools or working groups)
- what measures to take into account with participants (for example, language or how to add new voices) (Provincial Council of Biscay, n.d.<sup>[19]</sup>).

Although the guidelines should leave some room for each department to adapt it to their specific needs, Biscay could streamline the guidelines to ensure coherence among the different practices and departments. For instance, the guidelines mention that there is the need to establish the appropriate time for the participation process linked to the objective; however, they do not mention a set of good practices depending on what needs to be achieved. This can lead for example, to a divergence of time used by different departments while the same objective is being achieved. Also, if the guidelines are intended to be used as an information tool for departments, more information on the “how” is needed. For example, Biscay suggests adapting the language and the methodology of the initiative in order to have a wider range of stakeholders participating in the process; however, it does not say how to do so or what to consider when taking this decision. Further, additional elements could be introduced to help guide the decision of which initiative to replicate. This could take the form of a set of yes/no questions or a checklist that, depending on the answers, leads to the appropriate participation initiative for a particular objective.

As a second stage, and as an output of the second action of Commitment 6 of the OGAP, Biscay published a stocktaking exercise called the Map for Citizen Participation. This stocktaking exercise is a useful and practical reference for departments and any other public institution that wants to embark on a participation process. It provides an overview of the existing participative initiatives in different policy areas and different stages of the policy cycle during 2017 in Biscay. The map found the following 124 tools and channels for citizen participation in the Province:

- 38 formal bodies and forums (20 for external participation, 12 for institutional co-ordination, and 6 for internal co-ordination)
- 5 formal mechanisms and channels
- 63 participative processes (18 for the elaboration, monitoring and evaluation of plans and strategies, 24 for the elaboration of provincial laws and regulations and 21 to improve public services)
- 8 networks for collaboration with the private sector
- 10 accountability mechanisms linked to *Bizkaia Goazen 2030* (Provincial Council of Biscay, 2017<sup>[20]</sup>).



This mapping exercise represents an important effort from the Provincial Council in order to have an extensive overview of the existing initiatives related to citizen participation. However, some of the examples mentioned under the formal bodies and forums do not necessarily fit the category of citizen participation as they refer more to co-ordination instances among public institutions for the implementation of policies. This is the case of the Territorial Fishing Council (*Consejo Territorial de Pesca*) or the Commission to Fight Against Fraud (*Comisión de Lucha contra el Fraude*).

For a next edition of the map, Biscay could list the initiatives that have a specific focus on stakeholder participation under information, consultation and engagement. Furthermore, as the map is intended to be a useful and practical reference for departments and any other public institution that wants to embark on a participation process, Biscay could include the following information under each of the initiatives:

- stakeholders involved, including characteristics and numbers to ensure all relevant actors are involved, such as the media, business associations, independent institutions and vulnerable populations such as migrants, youth/elderly as well as other marginalised groups of society
- mechanism (s) used for participation
- time associated
- cost associated
- unit responsible within the department
- roles and responsibilities of each party
- feedback loops, communication and evaluation mechanisms.

Concerning the third action of Commitment 6 on providing internal and external training on citizen participation, the 2018 OGAP's intermediate self-evaluation report indicates that this has not yet been implemented. However, Biscay has partnered with BiscayTIK to create the training courses for the municipalities (Provincial Council of Biscay, 2018<sub>[21]</sub>). If implemented correctly, this collaboration with BiscayTIK could provide a wider reach to Biscay's participation efforts. Biscay then could ensure that implementation of training courses is carried out within the public administration and for other stakeholders, including the municipalities, in order to raise awareness and increase buy-in.

As a third stage, Biscay published a Plan for Participation 2018-2019. The plan builds upon the OGAP and sets a roadmap to increase citizen participation throughout the whole policy cycle. It has 5 key priority and thematic areas and 13 actions (Table 5.1).

**Table 5.1. Biscay's Plan for Participation 2018-2019**

Priorities/thematic areas	Actions
Strengthen the model for citizen participation	Action 1. Elaborate support materials to facilitate the design and management of participation initiatives. Action 2. Design internal training courses on participation and open government for the technical teams of the departments. Action 3. Organise activities to promote an exchange of best practices among departments and other public entities that have participative processes.
Develop participative processes linked to the elaboration of provincial laws and regulations	Action 4. Generate and diffuse a yearly calendar with the participative processes linked to the elaboration of provincial laws and regulations. Action 5. Conduct a yearly evaluation of the impact of the participative processes in the elaboration of provincial laws and regulations.
Consolidate other organs, forums, channels and processes of participation	Action 6. Strengthen participation in the forum for accountability. Action 7. Strengthen the Bizkaitarren Sarea project. Action 8. Standardise the operation of stable organs and spaces for participation.
Define a support system for participative initiatives for municipalities	Action 9. Strengthen the technical support provided by BiscayTIK to facilitate participation at the municipal level. Action 10. Provide training in participation and open government for municipalities.
Design communication and outreach for citizens and agents of the territory	Action 11. Improve the online participation website. Action 12. Elaborate and disseminate yearly a Map of Citizen Participation initiatives in the Provincial Council. Action 13. Create a provincial newsletter on participation that facilitates communication with citizens on participative processes and the channels to participate.

Source: Provincial Council of Biscay (2018<sub>[22]</sub>), *Plan de Participación 2018-2019 (Plan for Participation 2018-2019)*, [http://web.bizkaia.eus/documents/842933/2583713/PLAN\\_PARTICIPACION\\_201819.pdf](http://web.bizkaia.eus/documents/842933/2583713/PLAN_PARTICIPACION_201819.pdf).

Each action comprises the following elements: the department or actor in charge of its implementation; other departments or actors involved in the commitment; the goal that needs to be achieved or problem that needs to be solved; the main objective; a brief description of the action and the output indicators to monitor and evaluate its implementation (Provincial Council of Biscay, 2018<sub>[22]</sub>). This document, published in November of 2018, represents a step further to consolidate the open government agenda, the principle of stakeholder participation and good practice.

The Plan for Participation 2018-2019, the Model for Citizen Participation and the Map for Citizen Participation that the Province has published throughout 2018 constitute the needed policy framework for stakeholder participation in Biscay. The Province could carry out a series of dissemination campaigns to ensure that the framework is well known and implemented by all departments. If implemented correctly, these complementary tools will help push forward the participation agenda and the open government strategy in the Province. To consolidate such policy framework in the long term, other OECD countries have passed laws and/regulations. To further increase their impact, Biscay could consider complementing the framework (Plan, Model and Map) with more tailored guidelines that address the particularities of each sector.

### *An adequate institutional framework*

In addition to a policy framework for stakeholder participation and continued political commitment and leadership, national and local governments need to develop an adequate institutional framework. Similar to open government reforms, it is necessary that the office or committee in charge of the overall co-ordination of stakeholder participation initiatives be the same that co-ordinates the overall open government agenda. This can help ensure

coherence, share good practices among implementers, assist when needed and in many cases, benefit from more efficient use of resources.

While each Department of the Provincial Council implements its own initiatives for stakeholder participation, the body responsible for promoting and co-ordinating them is *Behatokia*, which provides general guidelines to the departments on how to implement a participative initiative and offers tailored technical support for departments that ask for specific advice. It is also responsible for the implementation and follow-up of the Plan for Participation.

Most OECD countries do not have a horizontal office, committee or mechanism for the overall co-ordination of participation initiatives like Biscay does. In most countries, participation initiatives take place at the sectoral level and are planned and implemented autonomously; few OECD countries do have an office within a ministry/department or create ad hoc mechanisms for specific initiatives (OECD, 2016<sup>[1]</sup>). Biscay has the ideal institutional framework with its horizontal office situated at the Centre of Government (CoG) co-ordinating the initiatives; it can provide targeted advice and capacity building to departments and general guidelines through the Model and the Plan for Participation in the Province. It is important that Biscay ensure the continuity of an office responsible for the implementation and follow-up of the Plan for Participation so that it can reach its objectives. The office needs to remain at the centre of government and/or be the one in charge of co-ordinating the open government agenda. It should also be equipped with the necessary human and financial resources to carry out its tasks.

### *External communication and outreach with stakeholders*

A key element supporting the implementation of participation initiatives and the open government agenda as a whole is having effective communication and capacity building. Chapter 3 addressed the internal aspect of communicating, engaging and carrying out capacity-building activities on open government reforms within the public administration, including on participation initiatives. This section will focus on external communication and outreach from Biscay with stakeholders outside of the administration on stakeholder participation as well as on open government initiatives in general.

Public communication plays a key role in the everyday lives of citizens as a means for information about and for engagement with the government. Beyond dissemination, information that is properly communicated can help improve service delivery and shape better public policies (Box 5.2).

#### **Box 5.2. Tapping the potential of public communication to improve policy making and service delivery**

Governments are increasingly recognising the potential of communication activities to improve policy making and service delivery, and are implementing a wide variety of innovative approaches to communicate with their audiences.

- The “Food is GREAT” campaign led by the UK Department of Food and Rural Affairs (Defra), as part of the government-wide “GREAT Britain” campaign has helped boost British trade in food and drink exports from GBP 20.1 billion in 2016 to more than GBP 22 billion in 2017-18. The campaign is on its way to achieving its 2020 target for exports of GBP 29 billion.

- The “Change4life: Sugar Smart” campaign by Public Health England, aims to improve the nation’s health by making sugar content visible and real through the Sugar Smart app and advertising across 750 supermarkets. The campaign has helped change the behaviour of families in England, with 30% of mothers reporting that the campaign made them reduce their child’s sugar intake. This figure rose to 80% among those who had downloaded the app. A test and control study outside of supermarkets showed that the campaign led to a 4% decrease in sales of sugary cereals, a 3% decrease in sales of sugary drinks and a 4% increase in sales of diet drinks during and post-campaign.
- The US Children’s Bureau ran the AdoptUSKids campaign aiming to increase the number of children being placed in permanent and loving homes. According to response numbers and follow-up surveys, the Ad Council estimates that the campaign has helped spur more than 24 000 adoptions of children from foster care.

Sources: Owen, J. (2018<sup>[23]</sup>), “Case Study: Food is GREAT campaign celebrates surge in exports”, <https://www.prweek.com/article/1489784/case-study-food-great-campaign-celebrates-surge-exports>; Government Communication Service, United Kingdom (n.d.<sup>[24]</sup>), *Case studies - GCS - Government Communication Service*, <https://gcs.civilservice.gov.uk/guidance/campaigns/case-studies/>; AdoptUSKids (n.d.<sup>[25]</sup>), *Raising awareness of the need for adoptive families*, <https://www.adoptuskids.org/about-us/national-ad-campaign>.

In order to plan and implement successful and sustainable open government initiatives, in particular, those focused on participation, citizens need to be informed about their existence. At a sectoral level, most OECD countries inform stakeholders on participation initiatives through the website of each ministry/department. Other forms of communication include individual outreach activities targeted at selected participants, through social media, the central government website, traditional media (newspaper, TV, radio, etc.) or official publications like gazettes (OECD, 2016<sup>[1]</sup>). In elaborating communication strategies, governments should consider that citizens do not necessarily search proactively for opportunities, and often they are not even aware of the existence of initiatives in which to participate. In addition, citizens have different media consumption habits and different ways to access information; for example, vulnerable groups may not have Internet access. Thus, governments need to ensure that both the message and the channels to communicate initiatives are tailored to different stakeholder needs, including those of under-represented and marginalised groups.

According to the questionnaire answered by Biscay, communication with stakeholders on the open government action plan takes place mainly through the centralised website, through a quarterly online newsletter (with 8 000 subscribers) and social media –Twitter and Facebook - for specific events or initiatives.

In addition, the Province has taken other approaches to promote stakeholder participation, one example is the network of *Bizkaitarren Sarea*, which is a network of volunteers (citizens and entities of the Province) located in Biscay that are willing to take part in different participation initiatives. These volunteers subscribe via a website of the Provincial Council and receive targeted information (initiatives, news) according to their profile (where they live, sector preferences, etc.) (Provincial Council of Biscay, n.d.<sup>[26]</sup>). As mentioned above, one of the actions of Biscay’s Plan for Participation will focus on strengthening this network by increasing the number of subscribers.

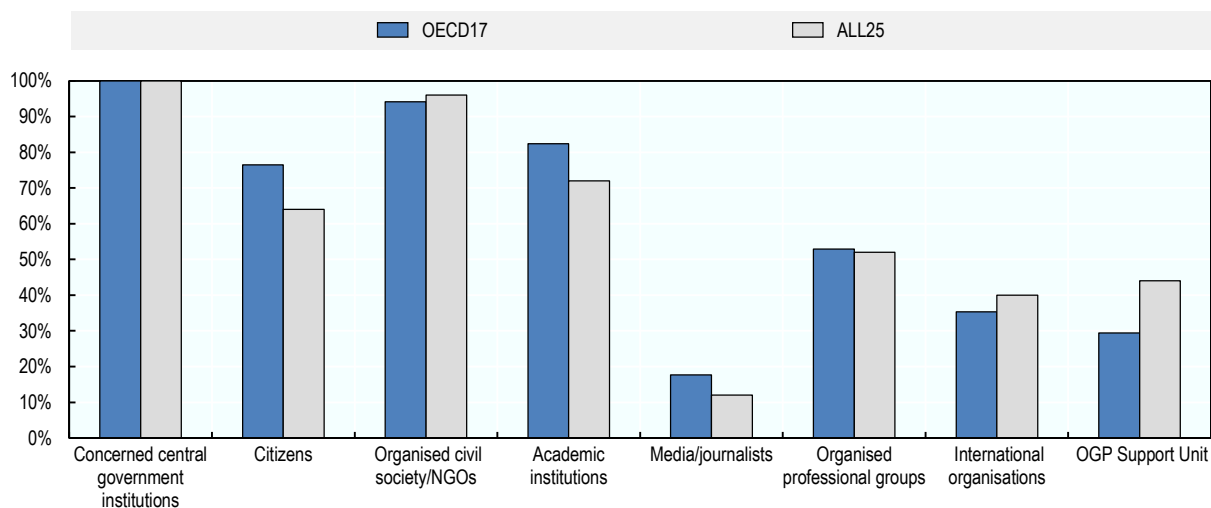
The current communication strategy for participation and open government reforms seems to work on an ad hoc basis by targeting only specific initiatives. The OGAP's intermediate self-evaluation report rightly recognises the need to raise awareness and understanding of the open government reforms with the stakeholders that the Provincial Council engages with, including municipalities. However, the report does not mention a strategy to expand collaboration with new stakeholders nor how to raise awareness on open government reforms. Biscay could thus 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 under-represented groups. For instance, Biscay could use the newsletter dedicated to participation envisaged in Action 13 of the Plan for Participation. While this newsletter is focused on participation initiatives, Biscay could also use it to communicate other initiatives related to open government principles. Biscay could ensure that this action is widely implemented by targeting new stakeholders while using various channels of communication, including social media.

Biscay is making significant efforts to put in place an adequate and comprehensive policy framework to foster a participative culture in the Province. In order to embed this culture of participation in the long term, Biscay could ensure that information about the outcomes of the participation initiatives is systematically provided to build trust and long-term commitment from different stakeholders.

### Stakeholder participation in open government reforms

As discussed above, stakeholder participation can take place throughout all governance areas, but it is especially critical in open government reforms as participation is one of its principles. It also refers to the drafting and monitoring of open government action plans. As mentioned in Chapter 2, the Province involved several stakeholders in the elaboration of the OGAP. In the three consultation phases that were conducted, the stakeholders involved included citizens, civil society organisations, civil servants from different departments of the Provincial Council, policy experts and academics. This is in line with OECD practice, as 94% of OECD countries involve organised civil society in the elaboration of such strategies, 76% of OECD countries involve citizens, and 82% involve academic institutions. Other stakeholders involved include organised professional groups such as trade unions (53% of OECD countries), media/journalists and local governments (Figure 5.2).

**Figure 5.2. Actors involved in the development of the open government strategy in OECD and other countries**



Note: Only countries that answered that they had an open government strategy were asked this question.

Source: OECD (2016<sup>[1]</sup>), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

If Biscay were to elaborate a new open government strategy, it could involve more stakeholders in order to ensure buy-in from key actors, both within and outside the government (for more detail, see Chapter 2). For example, media associations and journalists, local governments, the legislative and judicial branches could also be involved.

Also, as noted in Chapter 4, various stakeholders participated in the elaboration of the OGAP's intermediate self-evaluation report. The Provincial Council, in particular, *Behatokia* (who is responsible for the co-ordination of the OGAP), conducted four phases of elaboration. The first phase was an online questionnaire that asked citizens about the general perception of progress made on open government initiatives by the Provincial Council. The results show that most stakeholders perceive positive progress made on the open government initiatives. For example, 87.5% of respondents think that the Provincial Council has made considerable, or a lot of, progress on accountability initiatives and 75% think likewise on transparency, open data and citizen participation initiatives. The second phase was a questionnaire to civil servants from different departments involved in the implementation of the OGAP on their perception of the progress made on the OGAP. The results indicate that most progress is perceived in transparency and open data, as well as in public integrity, accountability, technical development and innovation. The third phase consisted of in-depth interviews with the departments responsible for the OGAP commitments in order to measure progress and to identify the challenges faced. Finally, the fourth phase was an informal group meeting with the civil servants who primarily worked on the OGAP to discuss results, progress and challenges.

According to the questionnaire results from Biscay, some OGAP commitments involve stakeholders in the design, implementation and monitoring of certain initiatives. Such is the case, for example, for:

- Commitment 4: Promoting accountability initiatives in the governance of the Provincial Council (implementation and monitoring)

- Commitment 12: Launching projects that bring together the public and private sectors to generate social value (throughout the policy cycle)
- Commitment 11: Generating economic value through collaborative initiatives with businesses within the territory (design and monitoring).

However, this involvement seems to occur more on an ad hoc basis and only for certain initiatives, rather than systematically.

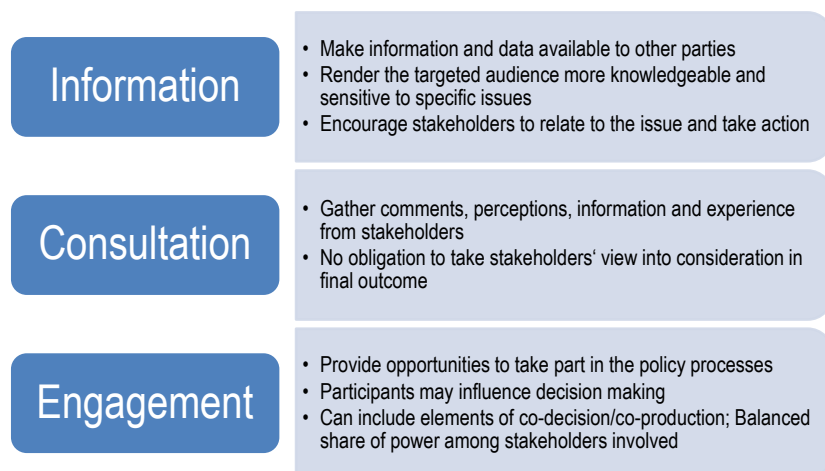
In addition, the decentralised implementation of the OGAP implies that the stakeholders involved in some of the initiatives are not necessarily involved, nor aware of, the overarching plan. In that sense, if Biscay were to create the open government committee composed of all the stakeholders involved in the OGAP, as recommended in Chapter 3, this could be a means to involve more stakeholders in the open government agenda and increase awareness, buy-in and engagement in the whole policy cycle. Even though Biscay has taken important steps to involve stakeholders in the open government process, Biscay could make further efforts to engage stakeholders systematically in the development, implementation and monitoring of the open government strategy.

### 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, to its implementation and monitoring to its evaluation. This ensures that policies and services are well targeted and respond to citizens' needs and demands. Evidence from OECD countries shows that good practices exist at all levels of the policy cycle. However, most participatory practices are found in initiatives to solicit feedback on how public services work (in 73% of OECD countries) and less are found in the evaluation of the impact of policies (below 50% in OECD countries) (OECD, 2016<sup>[1]</sup>).

Participation is understood as a process by which any person or group, who has an interest or stake in a specific policy area, can take part. It can be an interaction, either formal or informal, between any level of government, and stakeholders (citizens, civil society organisations [CSOs], academia, the private sector, etc.) to inform a specific policy to ensure well-informed decisions and avoid policy capture (OECD, 2016<sup>[1]</sup>). The degrees of involvement vary from the basic provision of information, which is the starting point of the participation ladder, to full engagement forms such as co-production, co-delivery and co-evaluation. Each of these modalities of participation has different objectives and impacts (Figure 5.3).

Figure 5.3. The imaginary ladder of stakeholder participation



Source: Adapted from OECD (2015<sup>[27]</sup>), “Policy Shaping and Policy Making: The Governance of Inclusive Growth”, Background report to the Public Governance Ministerial Meeting, 28 October, [www.oecd.org/governance/ministerial/the-governance-of-inclusive-growth.pdf](http://www.oecd.org/governance/ministerial/the-governance-of-inclusive-growth.pdf).

### *Information: The initial level of participation*

Information is the initial level of participation characterised by a one-way relationship in which the government produces and delivers information to stakeholders. It covers both the on-demand provision of information and proactive measures by the government to disseminate information. As argued in Chapter 2, access to information (ATI) laws have been adopted by more than 100 countries worldwide as well as by numerous local governments such as Biscay. Some examples of how public administrations share information is through the use of websites and official gazettes. The growing influence and presence of technology, as well as the increased awareness and demands of transparency by stakeholders, has led to a significant increase of availability of public sector information. As argued by Gavelin, Burall and Wilson (2009<sup>[28]</sup>), ATI is a precondition for stakeholders' abilities to inquire, scrutinise and contribute to decision making, and a cornerstone of open government reforms. However, while essential for democratic life, providing information on its own does not automatically lead to more engagement or participation (World Bank, 2016<sup>[29]</sup>). Among other things, governments need to ensure that the information disclosed is relevant, understandable, and usable in order to foster engagement with stakeholders.

In addition to the ATI, Biscay has also created some mechanisms to share information. For instance, the website “*Generakzioa*” - Active Aging (*Espacio web “Generakzioa” – Envejecimiento Activo*) offers information related to the promotion of active ageing. It is conceived as a mechanism for information sharing and interaction with Biscay's citizens, public entities and elderly associations.

Biscay has also implemented an innovative two-phase initiative for information and accountability. The first phase consists of a series of workshops called “*Encuentros con Unai*” in which President Unai Remendaría provides information regarding his public actions. In total, ten workshops between November 2016 and May 2017 were carried out with the participation of around 645 people in different municipalities. These workshops are also a forum in which citizens provide proposals on a series of policy areas such as youth employment, support to small and medium-sized enterprises (SMEs), and reducing red tape, among others. The second-phase of this initiative is the *Bizkaia Goazen* Bus,

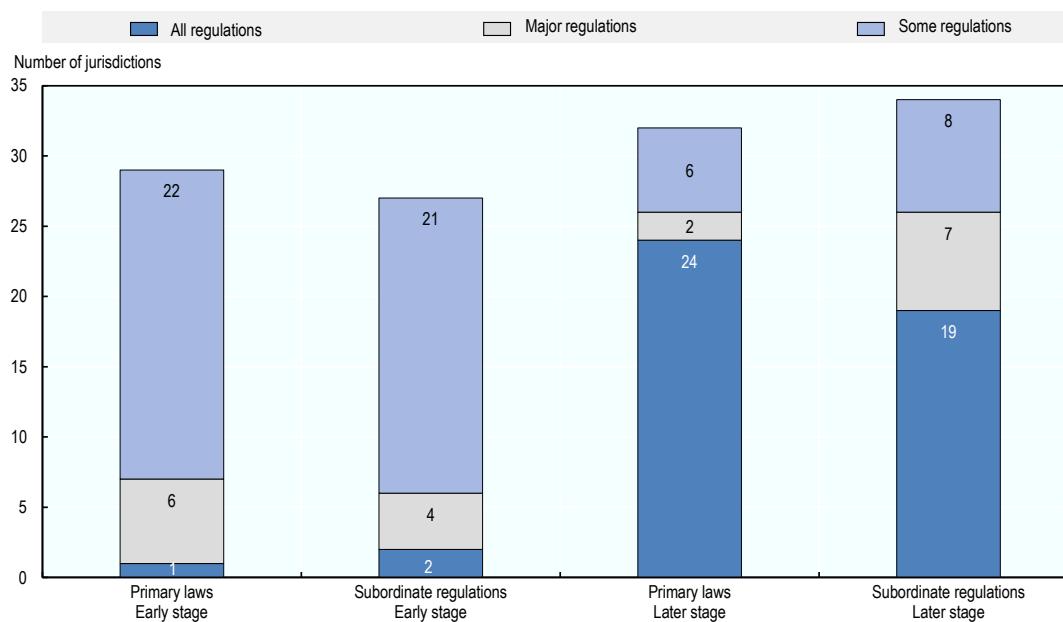


which consists of a bus equipped with interactive maps and touch screens that display the services, projects and the general functioning of the Provincial Council. Its objective is to provide information to stakeholders in a dynamic way and by travelling to rural municipalities of the Province. Since it started, more than 20 000 people have visited the bus in 65 municipalities. One of the features of the bus is a mailbox for comments and suggestions, not only on the bus itself but also on the projects and functioning of the Provincial Council. To increase awareness of the bus, Biscay collaborated with local schools and associations to organise visits. It has also provided a space for sectorial encounters between Provincial Heads of Departments (Ministers) and the local stakeholders involved in that topic (Provincial Council of Biscay, 2018<sup>[30]</sup>). For 2019, Biscay will implement a third phase where the President will make more encounters to take stock of his mandate. This innovative initiative is a good practice as it serves as an information tool for stakeholders providing them with different ways to get informed and to provide an opinion on certain public policies. It is also a useful source of information for the Provincial Council, as the outcomes of both phases serve to set the priorities of the following year for the government. Biscay could continue to expand this initiative as it allows 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 sectorial topics.

### *Consultation beyond the regulatory process*

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. It requires the provision of relevant information, in addition to responses on the outcomes of the process. In practice, governments define the issues they wish to consult on, prepare the questions and manage the process, whereas citizens provide their views and opinions (OECD, 2003<sup>[31]</sup>). As argued in the OECD (2016<sup>[1]</sup>) report on open government, “today, consultation is accepted as a valuable means of improving the quality of public policy while strengthening its legitimacy,” in the majority of cases, governments do not have an obligation to include the results in their policies, plans, or decisions. Consultation initiatives have helped governments gain more experience with measures to, for example, expand the delivery of service on line or to reduce red tape (Corella, 2011<sup>[12]</sup>). A typical example of consultation practices include comments on draft legislations.

Participation initiatives on primary and subordinated regulations of national and local governments typically take place at the final stage of the process through public consultations via the Internet or selected groups such as business associations or trade unions (OECD, 2015<sup>[11]</sup>) (Figure 5.4).

**Figure 5.4. Consultations happening on primary and subordinated regulations (2014)**

*Note:* Primary refers to stakeholder engagement that occurs at an early stage, to inform officials about the nature of the problem and to inform discussions on possible solutions. Subordinated consultation refers to stakeholder engagement where the preferred solution has been identified and/or a draft version of the regulation has been issued. Based on data from 34 countries and the European Commission as of December 2014.

*Source:* OECD (2014<sup>[32]</sup>), “2014 Regulatory Indicators Survey results”, [www.oecd.org/gov/regulatorypolicy/measuring-regulatory-performance.htm](http://www.oecd.org/gov/regulatorypolicy/measuring-regulatory-performance.htm).

In Biscay, the Provincial Decree of Biscay for the Elaboration of Proceedings includes two articles on mechanisms for citizen participation for the process of elaboration of legal texts: prior consultation (*consulta previa*) and public hearings and information (*audiencia e información pública*) (Provincial Decree 2/2017<sup>[33]</sup>). For prior consultation, before elaborating a provincial law, the department in charge shall conduct a public consultation in order to hear the opinion of its citizens and the groups concerned on the following topics:

- the problem being addressed by the future law
- why it is needed; what the objective is
- when it is the case, the existence of alternative regulatory solutions.

The public consultation takes place on line via the centralised website of the Provincial Council and for 15 calendar days. After that time, each department has 15 more days to elaborate and publish a report on the same website on the received proposals and observations and state why they were incorporated or rejected. Public hearings are conducted on line once the draft local law is written. The concerned department publishes the draft law on the centralised website of the Provincial Council so comments can be received. The timeframe to provide comments are the same as for the prior consultation; the only difference is that the departments have 30 days to draft the report. Some topics are exempt from public hearings, including budgets and provincial organisation (Departament of Public Administration and Institutional Relations, 2017<sup>[34]</sup>). In addition, this Decree provides for the elaboration of an Annual Regulatory Plan (*Plan Annual Normativo*), which specifies the regulatory initiatives from the government for the coming year –provincial

laws, decrees, orders or resolutions- and specifies if they will be subject for prior consultation or public hearings and information. In case they are subject to none, a proper justification is provided. For example, the 2018 Annual Regulatory Plan announced 154 initiatives, from which 31 were subject to either one or both participatory mechanisms. The General Directorate of Good Governance and Transparency will publish a monitoring report to inform on the degree of compliance of the plan (Provincial Council of Biscay, 2018<sup>[35]</sup>).

These two mechanisms to participate in the Normative Annual Plan are an important step to encourage participation in regulatory processes in Biscay while also providing transparency in the regulatory processes. According to an internal document from the Provincial Council, the average response rate for both mechanisms in 2017 and early 2018 is of two comments per initiative, some having more than 15 comments and others none. Even though the law was recently adopted and the monitoring report of the First Annual Regulatory Plan has not yet been published, the participation numbers suggest that stakeholders are aware to a certain extent of the mechanisms. Building on these efforts Biscay could further increase awareness of this Decree, its mechanisms, the Regulatory Annual Plan as well as the benefits it can bring through awareness-raising campaigns, as is indicated in the Plan for Participation 2018-2019.

Furthermore, Biscay has gone beyond the regulatory process and has created a series of mechanisms that are used to consult with a wide range of stakeholders on diverse policy issues. For instance, the Bilbao Biscay Action Group (BBAG), managed by the Economic and Territorial Development Department and regulated by a Provincial Decree, is a consultative body that brings together all the players of the territory and in which strategic issues are dealt with for the future of the tourism sector in Bizkaia. It is composed of the Provincial Council of Biscay, the Basque Government, EUDEL, the Bilbao Chamber of Commerce, the Port Authority, the Bilbao Airport, Bilbao Air, Biscay's tourist destinations as well as travel agencies (Provincial Decree 213/2015<sup>[36]</sup>). Another example is the Ethics Committee for Social Intervention of Biscay (*Comité de Ética de Intervención Social*, CEIS), which is a consultative and interdisciplinary committee set up to analyse and advise on the resolution of ethical conflicts that occur while practising social interventions. It is composed of professionals in the field of social services and related areas (justice, education, health, etc.) as well as experts who provide advice.

### ***Engagement: Providing better and tailored policy and services***

Engagement can be defined as a relationship or collaboration between governments and stakeholders. It is a two-way relationship where stakeholders are given the opportunity and the necessary resources (e.g. information, data and digital tools) to collaborate during different phases of the policy cycle and in the design and delivery of services. In this kind of partnership, stakeholders collaborate with the government and can contribute to setting the policy agenda, shaping the policy dialogue and providing services. However, the responsibility for the final decisions taken rest – in most cases - with the government (OECD, 2016<sup>[1]</sup>). This level of engagement requires, on the one hand, that governments are committed to, and comply with, the decisions jointly made (Corella, 2011<sup>[12]</sup>), and on the other hand, that stakeholders assume increased responsibility in policy making (OECD, 2003<sup>[31]</sup>). For engagement to work, it is important that governments provide enough space, time and flexibility for stakeholders to create new proposals, as well as mechanisms to integrate them into the policy-making process (OECD, 2016<sup>[1]</sup>). A good example of this is participatory budgeting (Box 5.3).

### Box 5.3. Examples of participatory budgeting

The 2015 OECD Recommendation on Budgetary Governance explicitly calls on governments to “ensure that budget documents and data are open, transparent and accessible” and to “provide for an inclusive, participative and realistic debate on budgetary choices.”

Over recent years, the trend towards participative budgeting has extended internationally and has been taken up with success in a number of OECD member countries and non-member economies. In practice, progress at the national level has been limited to date, with more activities and innovations emerging at the level of cities and municipalities.

#### Paris, France

Since 2014, the municipality of Paris gives its citizens the opportunity to decide on the use of 5% of its investment budget, which amounted to EUR 0.5 billion in 2014-20. The aim is to involve citizens in municipal politics to foster social cohesion and to learn about their preferences. It builds on the principles of open government and promotes a stronger relationship between citizens, their representatives and public institutions.

Since the 2015 edition of the *budget participatif*, participation was deepened by providing citizens with the opportunity to propose projects that would then be voted on. Attempting to harness Parisians’ creative ideas, the process is as follows: 1) Parisians propose their ideas for investment projects via a website; 2) the municipality evaluates the feasibility of the proposals; and 3) project proposals are submitted to the vote by Parisians.

#### New York City, United States

New York City (NYC) is host to the largest participatory budgeting (PB) in the United States in terms of participants and budget amount. First introduced in 4 council districts in 2012, the annual PBNYC process now spans 24 council districts and lets residents directly decide how to spend USD 36 million in capital discretionary funds. In 2018, more than 99 000 residents participated and voted for 124 community improvement projects. Also, NYC launched an online pilot application to track the implementation and outcomes of the voted projects, called myPB.

*Sources:* OECD (2015<sup>[37]</sup>), “Recommendation of the Council on Budgetary Governance”, OECD, <https://www.oecd.org/gov/budgeting/Recommendation-of-the-Council-on-Budgetary-Governance.pdf>; OECD (2016<sup>[38]</sup>), *Integrity Framework for Public Investment*, OECD Public Governance Reviews, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264251762-en>; Participatory Budgeting Project (n.d.<sup>[39]</sup>), “Participatory Budgeting in NYCC: \$210 million for 706 community projects”, webpage, <https://www.participatorybudgeting.org/participatory-budgeting-in-nyc/>; Mairie de Paris (n.d.<sup>[40]</sup>), *Budget participatif*, <https://budgetparticipatif.paris.fr/>.

### *Stakeholder engagement in policy design, implementation, monitoring and evaluation*

Participatory identification of policy priorities can help national and local governments to adequately reflect the preferences and priorities of their citizens. OECD research shows that countries have made important progress in involving stakeholders both in the process of setting national or local priorities and in developing new laws and regulations (OECD, 2015<sup>[11]</sup>), (OECD, 2016<sup>[18]</sup>). An example of involving stakeholders in the definition of policy priorities can be found in Austria’s consultation on its national health targets (Box 5.4).

#### Box 5.4. Consultation on national health targets in Austria

In 2011, Austria identified its national health targets to set up national health reform. At the initial stage, the general public was asked two broad questions concerning their most relevant health targets and the means to achieve them. The answers culled from more than 4 000 people via an online platform were integrated into a plenum of 40 different institutions, including government representatives of all levels, social insurances, experts and institutions of the healthcare system, representatives of patients, the elderly and children, as well as socioeconomically disadvantaged people. The plenum then came to terms with ten national health targets, which were eventually adopted by the Council of Ministers and the federal Health Commission in Austria.

The targets form part of the current government programme and form the basis for the ongoing reform process. The plenum is currently working on the implementation process and has come up with meta-indicators and target values for the monitoring process. All future results will then be published on line. As noted by the government, the health sector alone cannot improve the health status of the population by itself. Thus, adopting an inclusive approach of incorporating the voices of almost all stakeholders allows for broad ownership, legitimacy and avoidance of a top-down approach so that the reform initiatives reflect the situation on the ground.

Source: OECD (2016<sup>[1]</sup>), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

In Biscay, setting policy priorities using a participatory process occurs mainly during the elaboration of certain sectoral plans, as shown in Table 5.2.

**Table 5.2. Participative processes occurring in Biscay's plans and strategies**

Plan/strategy	Department in charge	Identification of needs	Draft	Monitoring and evaluation
Plan for the Participation and Quality of Life of People with Disabilities 2016-2019 ( <i>Plan para la Participación y Calidad de Vida de las Personas con Discapacidad 2016-2019</i> )	Social action	X	X	X
Strategic Plan for Elderly People of Biscay 2020 ( <i>Plan Estratégico de Personas Mayores de Bizkaia 2020</i> )	Social action	X	X	
III Plan for Unprotected Children 2016-2019 ( <i>III Plan de Infancia en Desprotección 2016-2019</i> )	Social action	X	X	
Strategy "Biscay, Territory for all Ages" 2016-2019 ( <i>Estrategia "Bizkaia, Territorio para Todas las Edades" 2016-2019</i> )	Social action	X	X	X
Territorial and Sectorial Plan of Roads of Biscay 2017-2019 ( <i>Plan Territorial Sectorial de Carreteras de Bizkaia 2017-2019</i> )	Economic and territorial development	X		
Special Plan for the East Roads of Bilbao Variants ( <i>Plan Especial Vialio Variante Este de Bilbao</i> )	Economic and territorial development	X		
III Plan for Co-operation in Biscay 2017-2020 ( <i>III Plan Director de Cooperación de Bizkaia 2017-2020</i> )	Employment, social inclusion and equality	X	X	
Comprehensive Plan against Human Trafficking in Biscay 2016-2019	Employment, social inclusion and equality	X		

Plan/strategy	Department in charge	Identification of needs	Draft	Monitoring and evaluation
<i>(Plan integral contra la Trata de Personas en Bizkaia 2016-2019)</i>				
Plan to Normalise the Use of Euskera 2013-2017 <i>(Plan de Normalización del Uso del Euskera 2013-2017)</i>	Euskera and culture	X	X	X
Plan for Youth in Biscay 2020 <i>(Plan de Legislatura Gaztedi Bizkaia 2020)</i>	Cabinet of the President	X	X	X
Provincial Plan for Transparency 2017-2019 <i>(Plan Foral de Transparencia de Bizkaia 2017-2019)</i>	Cabinet for Modernisation, Good Governances and Transparency	X	X	
Strategy for the Improvement of the Sound Quality in Biscay 2013-2017 <i>(Estrategia para la Mejora de la Calidad Sonora en Bizkaia 2013-2017)</i>	Sustainability and environment	X	X	X
II Programme of Biscay 21 2011-2016 <i>(II Programa Bizkaia 21 2011-2016)</i>	Sustainability and environment	X	X	X
Sustainable Energy Strategy for Biscay 2020 <i>(Estrategia de Energía Sostenible para Bizkaia 2020)</i>	Sustainability and environment	X		
II Comprehensive Urban Waste Management Plan for Biscay 2005-2016 <i>(II Plan Integral de Gestión de Residuos Urbanos de Bizkaia 2005-2016)</i>	Sustainability and environment	X	X	X
Education Action Programme for Sustainability of Biscay 2020 <i>(Programa de Acción de Educación para la Sostenibilidad de Bizkaia 2020)</i>	Sustainability and environment	X		
Comprehensive Action Plan for San Juan de Gaztelugatxe <i>(Plan Integral de Actuación para San Juan de Gaztelugatxe)</i>	Sustainability and environment	X	X	X
Partial Territorial Plan for Metropolitan Bilbao <i>(Plan Territorial Parcial Bilbao Metropolitano)</i>	Transport, mobility and cohesion	X	X	X

Source: Provincial Council of Biscay (2017<sup>[20]</sup>), “Mapa de la Participación (Map for Citizen Participation)”, <http://web.bizkaia.eus/documents/842933/902194/MAPA+PARTICIPACION.pdf>.

Both the Plan for Participation and Quality of Life of People with Disabilities in Biscay 2016-2019 (Department of Social Action, 2016<sup>[41]</sup>) and for the Strategic Plan for Elderly People of Biscay 2020 (Department of Social Action, n.d.<sup>[42]</sup>) fall under the responsibility of the Department for Social Action of the Provincial Council. These plans set the priorities and guidelines and were co-designed with the different stakeholders associated with the sector through existing formal participative bodies, namely the Civil Dialogue Table (*Mesa de Diálogo Civil*) and the Council for Elderly People (*Consejo de Personas Mayores*). The Civil Dialogue Table is “a shared work space and a tool for bi-directional dialogue and co-operation between the Department of Social Action and the organisations and networks of the third social sector in the Province” (Department of Social Action, n.d.<sup>[43]</sup>). In practical terms, it is a collegiate body (*órgano colegiado*) where decisions on priorities and initiatives for social policies are taken by consensus. The priorities feed the planning processes of the department, such as the current Plan for Participation and Quality of Life of People with Disabilities in Biscay 2016-2019. The 14 participating organisations and networks are in charge of implementing several initiatives decided by this body. Since 2016, the Civil Dialogue Table is regulated by a Provincial Decree (Departamento de Empleo, Inclusion Social e Igualdad, 2016<sup>[6]</sup>) and meets at least three times a year. According to the findings of the OECD fact-finding mission to Biscay, for the participant

organisations and networks, this Table is a valuable space for dialogue and collaboration with the Provincial Council.

Similarly, the Council for Elderly People is a collegiate body for citizens who are older than 60 years old and for organisations related to this policy area. Its objective is to collaborate with the end users on the planning and implementation of the policies. The Council has a plenary session and three thematic commissions that work with a methodology of active dialogue and produces a report with recommendations for policy makers (Department of Social Action, n.d.<sup>[44]</sup>). It renews its programme of work every two years and is regulated by a Provincial Decree since 2005 (Department of Social Action, 2013<sup>[45]</sup>). The programme of work defines lines of action that shape the thematic commissions. For example, for 2018-20, the three lines of work are: active ageing, social services for the elderly and the elderly social image. The Council provided recommendations to the Strategic Plan for Older People of Biscay 2020 and approved its content and initiatives. As is the case with the Civil Dialogue Table, several of the participating organisations and networks implement some of the initiatives that are decided.

Though these mechanisms are good practice, they could benefit from a more integrated approach by widening the net to involve other actors beyond the social sector related to the policy and its users. For instance, in the case of disability, other stakeholders from the urbanism and construction sectors could be involved as well. The example of New Zealand's Ministry of Health and its review of the safety regulations in disability support demonstrates this inclusive approach (Box 5.5).

#### **Box 5.5. Review of safety regulations in disability support in New Zealand**

In a co-designing approach of new safety regulations in disability support, staff from different directorates (policy, implementation, regulation and certification) of the New Zealand Ministry for Health joined eight representatives of the disability community. They included, among others, independent expert advisors, two providers of disability support, a disabled person with limited learning capacities, parents of disabled children, and an advocate for family carers. Accordingly, the formation of the working group endeavoured to not only target but also include, disabled people themselves. Throughout the seven months (with monthly meetings), all information and papers were produced in an accessible format (easy-to-read language and screen readers).

Moreover, Māori advisors were consulted to take into account the indigenous perspective. Co-ordination staff from the ministry, as well as internal and external members of the committee, were paid for their time, travel expenses and accommodation. Overall, engaging experts, people concerned and policy makers in the early stages of reforming the security regulations in disability support led to a more profound understanding of the matter, questioning of orthodox assumptions and standard approaches to handling policies based on the extended range of experience and daily obstacles. In addition, the approach by New Zealand improved the quality of advice, relevance and applicability to the situation on the ground.

Source: OECD (2016<sup>[1]</sup>), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

Furthermore, involving stakeholders in initiatives to monitor and evaluate the implementation of certain policies is important to have first-hand information from those directly affected by the policy, so as to improve its implementation processes, identify bottlenecks as well as successes. Evaluating the implementation of policies contributes to accountability as it provides citizens with information and tools to assess the results of the actions carried out by the government (OECD, 2017<sup>[46]</sup>) (also see Chapter 4). In turn, it helps policy makers understand why and how a policy was successful or not. While OECD countries recognise that evaluation can increase the effectiveness and efficiency of public policies, less than half involve stakeholders in evaluation initiatives at a sectoral level (OECD, 2016<sup>[1]</sup>).

Biscay has expressed a strong commitment to developing a solid monitoring and evaluation (M&E) system. However, the Province is still in its initial phases and must further define and develop certain structural elements, such as a dedicated strategy and a stronger institutional framework. However, there are a few initiatives that can be considered good practices. For instance, the Civil Dialogue Table and the Council for Older People also play a role in monitoring the policies that they co-design and co-implement.

For example, the Plan for Participation and Quality of Life of People with Disabilities in Biscay 2016-2019 established four working tables, one of them dedicated to monitoring the implementation of the plan. This working table (*mesa*) is composed of the Department of Social Action, the 18 participating social organisations included in the plan and the related autonomous organisms (for example, the Provincial Institute of Social Assistance, IFAS). The objectives of this table are to identify the relevant output indicators to measure the implementation of the plan, and to establish a methodology and practical tools to properly follow up, monitor and evaluate the implementation of the plan (Department of Social Action, 2016<sup>[41]</sup>).

The Civil Dialogue Table constitutes an example of a forum where stakeholders participate in the evaluation of the plan and the implementation of the policies in the Province. As mentioned in Chapter 4, Biscay could use this well-established platform to push evaluation practices with the participation of stakeholders to other policy areas. A good practice in this area is the experience of Poland with the evaluation of its National Reforms Programme (Box 5.6).



**Box 5.6. Evaluating the National Reform Programme in Poland**

The Polish government invites a wide group of interested parties from the world of economy, science and civil society to participate in the development, implementation and monitoring of its annual National Reform Programme (NRP) in order to ensure the widest possible approval for the implementation of the Europe 2020 Strategy. This is done in the framework of the Inter-Ministerial Team for the Europe 2020 Strategy, headed by the Minister of Economy. This consultative and advisory body of the Prime Minister includes both representatives of the government bodies and a wide group of organisations of entrepreneurs, trade unions, economic and agricultural chambers, non-governmental organisations (NGOs) as well as research and scientific institutions.

The team's tasks involve consulting the official documents on monitoring and evaluating the NRP implementation and preparing recommendations on improved implementation of Europe 2020. The team also presents relevant problems that, in the stakeholders' opinion, should be reflected in the NRP updates. The team also serves as a forum for discussion on specific priorities and targets for the Europe 2020 Strategy.

For example, in 2014 and 2015, the team discussed the European Union energy and climate policy, improvement of tax administration for a better business environment, the realisation of the poverty target adopted in the NRP and recent reforms in the system of vocational education and training. Due to such a wide participation structure, the team has become a forum for discussion on key issues related to the implementation of the Europe 2020 Strategy in Poland and also contributes to the strengthening of joint responsibility for the implementation of the strategy on national and local levels.

*Source:* OECD (2016<sup>[18]</sup>), *The Governance of Inclusive Growth: An Overview of Country Initiatives*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264265189-en>.

Biscay could transfer and mainstream these good practices to other sectors of the Province to ensure that all plans – including horizontal policies - co-identify needs, co-draft, co-monitor and evaluate. The implementation of the “Lithuania 2030” policy provides an example of the participation of key stakeholders in all stages of a transversal policy (Box 5.7).

### Box 5.7. Lithuania 2030: Important steps towards co-implementation

In Lithuania, the most important policy document is the state progress strategy, “Lithuania 2030”, which provides long-term goals to be achieved by 2030. The strategy aims to create an economically and socially successful Lithuania, based on the three pillars of openness, creativity, and responsibility.

It recognises that the government should play the role of co-ordinator, delivering services together with its citizens, private sector, local communities and NGOs. Lithuania 2030 assigns great importance to the systematic and effective engagement of citizens in the political process and states that transparency and openness are important values that government should seek to promote.

Lithuania 2030 emerged from civil society. Government authorities, business and academic leaders, community groups, and prominent public figures actively participated in its development. The State Progress Council and the Open Progress Forum are two key platforms established through Lithuania 2030, uniting a variety of different stakeholders, including academics and civil society organisations, to ensure an inclusive process for drafting and implementing this key strategic document.

The development and implementation of the strategy illustrate the effective use of public participation results in the policy-making process and implementation. Civil society played a crucial and active role in drafting the strategy by engaging in public discussions, participating in the National Day of Ideas across the country, in an “idea week” in schools and online consultations. In total, more than 100 discussions and more than 1 000 proposals fed into the final draft of the Lithuania2030 strategy.

The Office of the Government co-ordinates the implementation process of the Lithuania 2030 strategy and the activities of the State Progress Council, which is now responsible for the monitoring of the results. To date, six Open Progress Forums were organised with broad participation from civil society (more than 2 500 participants). Proposals for policy improvement were developed in areas such as education (children’s creativity), lifelong learning, strengthening local communities, innovative public governance, etc. Social media (Facebook) and the website [www.lietuva2030.lt](http://www.lietuva2030.lt) have also been used as channels for two-way communication with citizens. The platform uses several tools to engage citizens, such as questionnaires, the possibility to ask questions, registering for an event, subscribing to a newsletter, and commenting, among others.

Source: OECD (2016<sup>[18]</sup>), *The Governance of Inclusive Growth: An Overview of Country Initiatives*, OECD Publishing, Paris, <https://dx.doi.org/10.1787/9789264265189-en>.

Biscay also uses other indirect participation mechanisms to define policy priorities, including perception surveys. The first, Neurbi, is a survey used to assess citizens’ perceptions of the image of the Provincial Council and its initiatives as well as their economic and social concerns (Gizaker, 2017<sup>[47]</sup>). The second survey, the Social Barometer of Biscay, measures the perception of citizens on economic and social issues as well as the performance of the Provincial Council (IKERFEL, 2018<sup>[48]</sup>). *Behatokia* is responsible for this yearly survey and analyses the results to use them as pointers for the Provincial Council’s policies.

### *Stakeholder engagement in service delivery and its monitoring and evaluation*

Public services can be delivered better when they are implemented in collaboration with stakeholders. Further, integrating their insights into the service delivery process can foster innovation. Increasingly, national and local governments resort to participation as a means to improve the quality of service delivery (OECD, 2015<sup>[27]</sup>). Biscay has several specific initiatives of participation focused on improving public services. The most prominent example is the process to elaborate the service charters, also called citizens' charters (*cartas de servicios*).

In general, service charters are documents through which public entities inform their users about the services they provide, the quality commitments they have adhered to, and publish the rights and obligations of the users. The elaboration of service charters is a part of the Provincial Transparency Law and a commitment of the Transparency Plan. To ensure its implementation, the General Directorate of Good Governance and Transparency drafted guidelines for the public service providers that have to use them. These guidelines include, as a crucial element, a consultation phase with users of the services provided (Bizkaia Gardena, n.d.<sup>[49]</sup>). Since the elaboration of the law in 2017, six public service providers elaborated such a document, including the County Offices for Farming, the Procurement Office, the Provincial Library, Early Care Services, two Provincial Institutes for Social Assistance, and *Garbiker*, the waste management service of the Province. The consultation phase for elaborating all service charters consists of two stages, the first focused on asking users to evaluate the services provided in order to define their importance, and the second consisted of defining better ways to provide the services. Currently, more provincial service providers are elaborating service charters with the same methodology. Building on these examples, Biscay could continue to include the consultation phase into 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, as done by the civic design lab team in Oakland City (Box 5.8).

#### **Box 5.8. Civic Design Lab in Oakland City, State of California**

The city of Oakland in the State of California launched the Civic Design Lab (CDL) in early 2018 as a civic innovation lab attached to the Oakland City Hall. The objective of the CDL is to “convene, incubate, and solve civil resiliency challenges for Oaklanders”. In order to do so, the city applies a human centered design and systems to solve public sector problems and make the city government more accessible and efficient. The CDL takes a data-driven approach to design the solutions so that these reflect the needs and values of the citizens. The CDL is the result of a community-led programme called the 100 Resilient Cities, in which Oakland participated for 3 years prior to the creation of the CDL.

The CDL is an innovative programme that fosters collaboration to improve service delivery while also building resilience through trust and transparency among stakeholders. Co-designing the solutions of the projects and involving key stakeholders throughout the process provides ownership and allows for an inclusive process for improving public services.

The CDL works on a four-phase methodology:

1. discovery: listen to key stakeholders directly affected by the problem as well by the service providers or specialists of that service;

2. discussion: bringing local and regional stakeholders that interface with the problem identified;
3. data: ensuring data analysis and asking the right questions; and
4. design: co-building new prototypes for services with key stakeholders involved.

The main projects in which the methodology is being applied are:

- the city’s Rent Adjustment Programme (RAP),
- the Healthy Housing Initiative, and
- the Financial Empowerment Project.

For example, the RAP is a mechanism that connects property owners and renters in the city since 1980. The CDL designed a new portal to simplify these connects and also “to improve transparency, foster trust in the process, and to make it more accessible, by taking a user first approach”. The team upgraded the database and the online system and then organised a workshop with key stakeholders involved in the portal to understand priorities and main processes. Finally, the team co-ordinated a co-design workshop with property owners, renters and the city staff in order to design the interface for the new portal. As a result, the portal was simplified for both owners and renters; this helped reduce content duplication, simplified language for easy understanding and created a mobile-friendly functionality.

*Sources:* 100 Resilient Cities (2018<sup>[50]</sup>), *Mayor Launches ‘Civic Design Lab’ to Make Government Services More Effective*, <https://100resilientcities.org/mayor-launches-civic-design-lab-make-government-services-effective/>; Oakland City Hall (n.d.<sup>[51]</sup>), *Civic Design Lab*, <https://www.civicedesignlab.org/> (accessed on 26 February 2019).

A good example of monitoring public services through a participative platform is the *Buenos Aires Obras* initiative from the city of Buenos Aires (Box 5.9).

#### **Box 5.9. The Buenos Aires Obras initiative to monitor public services**

As part of the Open Government Ecosystem of the City of Buenos Aires, Buenos Aires Obras is an online platform that contains information about tenders and works, their progress, budgets and people in charge of them. It is a portal that seeks to increase transparency in the administration through real-time monitoring of the works carried out by the government, with updated and structured data in accordance with international transparency standards, integrated reporting, and with a clear and organised update frequency. At the same time, it has a participatory process to build indicators. In addition, users can see photos and videos of the progress of each public work. The information is updated every four months.

*Source:* Buenos Aires Ciudad (n.d.<sup>[52]</sup>), “BA Obras”, <http://www.buenosaires.gob.ar/baobras>.

## **Recommendations and proposals for action**

Citizen participation is at the core of Biscay’s open government agenda, and important initiatives have been carried out to date. In order to continue building on them and to

achieve greater and long-term impact, further efforts are needed to ensure successful citizen participation in the Province. The government may wish to consider the following actions:

Ensuring a proper legal, institutional and policy framework for successful stakeholder participation in Biscay by:

- Maintain its high-level commitment to stakeholder participation in policy making, design and implementation.
- Strengthen the existing CSOs and facilitating the creation of new ones for horizontal issues such as open government, open data, transparency, and anti-corruption by:
  - Benefiting from the current OGP process with the Basque Country, in particular through the commitment related to the creation of an I-Lab innovation for citizen engagement to encourage the creation of horizontal CSOs and other collaboration networks in the Province.
  - Ensuring that information about the outcomes of the participation initiatives is systematically provided to build trust and long-term commitment from different stakeholders.
- 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, including characteristics and numbers to ensure all relevant actors are involved, including the media, business associations, independent institutions and vulnerable populations, such as migrants, youth/elderly as well as other marginalised groups of society; mechanism(s) used for participation; the time associated to it as well as cost; unit responsible within the department; roles and responsibilities of each party; and feedback loops, 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.
- Ensure that training courses are carried out within the public administration and for other stakeholders, including the municipalities, in order to raise awareness and increase buy-in.

- Ensure the continuity of an office responsible for the implementation and follow-up of the Plan for Participation 2018-19 so that it can reach its objectives. The office needs to remain at the centre of government and/or be the one in charge of co-ordinating the open government agenda. It should also be equipped with the necessary human and financial resources to carry out its tasks.
- 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 under-represented groups.
- Ensure that the creation of an additional newsletter dedicated to facilitating communication with citizens on participative processes and raising awareness of the channels available to participate is widely implemented by targeting new stakeholders while using various channels of communication, including social media.

Broadening stakeholder participation in open government reforms in Biscay by:

- Involve, 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.
- Make further efforts to engage stakeholders systematically in the development, implementation and monitoring of the open government strategy.

Fostering and strengthening Biscay's stakeholder participation initiatives by:

- Continue 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.
- Make 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.
- Ensure 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.
- Involve citizens in the co-design of policy priorities in sectors other than the social sector, as well as in horizontal policies.
- Provide a more integrated approach to the Civil Dialogue Table and the Council for Elderly People by widening the net to involve other actors beyond the social sector related to the policy and its users.
- Develop more initiatives to participate in horizontal policies.
- Transfer 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.

## Note

<sup>1</sup> The Province of Biscay is legally referred to as a “historic territory”, a term exclusive to the Basque Country that describes the political and administrative system of its three provinces. In view of facilitating the understanding of the term for readers not familiar with the concept and of shortening the term repeated throughout the Chapters, the Review will refer to the historic territory of Biscay as “Province of Biscay”.

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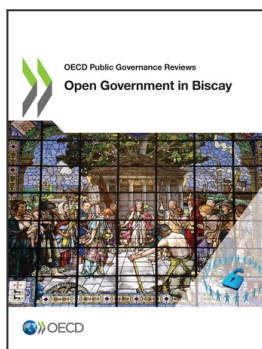
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