

Chapter 1. Setting the scene for open government reforms

This chapter sets the political, cultural and socio-economic context for open government in Biscay. The Province has a unique open government environment characterised by a particular multilevel governance and a favourable socio-economic and cultural context.

Introduction

Governments at all levels face complex and evolving challenges, from financial crises and rising inequality to slow economic recovery, increased migration and rapid technological developments. This has prompted a re-evaluation of the government's role and its capacity to adapt and respond to citizens' needs in a context of declined levels of trust in public institutions. Consequently, more and more governments have recognised the need for open, transparent, accountable and participatory administrations.

In fact, governments are increasingly implementing open government strategies and initiatives to improve their efficiency and effectiveness. These strategies and initiatives can be an important driver for administrative reforms, such as modernisation of the public administration and can act as a catalyst to achieve overreaching policy objectives in areas such as education, infrastructure projects, environment and health. Furthermore, local governments are playing an important role in the design and implementation of open government reforms, in particular in federal countries. Their size and proximity to citizens facilitate their responsiveness to their population's needs, leading to more targeted policies and improved service delivery, thus having more impact on people's lives. That is why many of the examples of successful open government strategies and initiatives come from local governments.

The Provincial Council of Biscay (*Diputación Foral de Bizkaia*, hereafter "Biscay"), which constitutes the government of the Province ("foral" territory) of Spain, has been implementing initiatives linked to open government for several years. It has a long tradition of stakeholder participation, especially in co-production of social services. For example, with the Civil Dialogue Tables (*Mesas de Diálogo Civil*), which is a co-creation initiative for social policies between the Department of Social Action and the third sector of Biscay.

Moreover, in 2015, Mr. Unai Rementeria Maiz was elected as president (*Diputado General*) of the province of Biscay (legally referred as "historic territory"¹) with a campaign focused on transparency, participation and proximity to citizens. After taking office, his government drafted and published a long-term provincial strategic plan called *Bizkaia Goazen 2030* with four main objectives and specific actions that set a vision and a roadmap for his mandate. This plan was the first in the history of the Province to be proactively published and to become subject to monitoring reports. The third axis of the plan included all the main elements of open government: transparency, citizen participation, monitoring and evaluation, accountability and integrity.

As part of the implementation of *Bizkaia Goazen 2030*, Biscay made important efforts to address the open government elements of the Plan. The transparency objectives were developed quickly through the approval of the Provincial Law on Transparency in early 2016, along with an ambitious transparency plan. Biscay then joined the Leaders' Tier Network of the Open Government Partnership (OGP) in 2016². Biscay participated in the Open Government Partnership's Global Summit, which took place in December 2016 in Paris. Recently, the Basque government – including its three provinces (among them Biscay), and the three capitals of the provinces – joined the OGP Local Programme.

In 2017, Biscay integrated those scattered efforts and published an Open Government Action Plan (OGAP). The OGAP presented several compromises and a specific roadmap to carry its transparency, integrity, participation and accountability agenda even further. The overarching objective of Biscay's open government agenda is to improve the efficiency and effectiveness of the government while bringing the administration closer to its citizens.

In order to ensure and enhance the implementation of this ambitious agenda, Biscay has asked the OECD for a thorough assessment of its open government initiatives.

The purpose of this chapter is to set the scene for this Review and analyse the political, cultural and socio-economic context of Biscay in view of its open government initiatives. A country's or province's context plays an important role in its policies; it is crucial, thus, to understand the drivers and the space in which open government develops. In that sense, Biscay's open government environment is characterised by a particular multilevel governance, a unique fiscal system and a favourable socio-economic and cultural context.

Open government reforms as a driver to improve public governance

Open government is a catalyst to improve public governance, which is a key factor for economic development, social well-being, and increasing trust in government. Trust in government is important because it legitimises governments' actions and decisions. Lower rates of trust can lead to lower rates of compliance with rules and regulations, thus affecting the quantity and quality of public services delivery. Lower citizen trust may also have an impact on investment decisions as citizens and businesses become more risk averse, affecting innovation, employment and long-term growth.

The implementation of open government principles - namely transparency, integrity, accountability and stakeholder participation (Box 1.1) - can provide better access and quality of public services, stronger accountability and more effective policies. Through these principles, governments ensure that the needs, preferences and concerns of all stakeholders are reflected in their policies, and allows stakeholders to participate in the implementation of these policies and on their monitoring and evaluation.

Box 1.1. Open government principles

Transparency

Government transparency is understood as the disclosure and subsequent accessibility of relevant government data and information. Fung, Graham and Weil (2007) differentiate between two generations of transparency policies: the first generation refers to the disclosure of official records to ensure access to information for the public. This generation focuses on the access to information laws, which nearly all OECD countries have implemented. The underlying idea is that unimpeded access to information leads to better ways for citizens to hold government accountable. The second generation of government transparency, which Fung, Graham and Weil (2007) coined, "targeted transparency", refers to the availability of information that serves a concrete purpose, with well-defined areas to which this information shall contribute. It is important that governments move towards more targeted transparency as doing so contributes to improving public policies only when the information is relevant, timely and useful for a targeted group of users in a format that is helpful.

Integrity

Public integrity refers to the consistent alignment of and adherence to shared ethical values, principles and norms for upholding and prioritising the public interest over private interests in the public sector.

Accountability

Accountability refers to the government's responsibility and duty to inform its citizens of the decisions it makes as well as to provide an account of the activities and performance of the entire government and its public officials. In a democratic system of governance, the population is the main source of legitimacy for government officials' mandates. Citizens have thus the right to hold the government accountable for its actions in order to uphold and reinforce democratic order. At the same time, it should be the underlying culture of governments to be accountable to their citizens, with or without citizens actively calling for it.

Stakeholder participation

Participation typically refers to the involvement of individuals and groups in designing, implementing and evaluating a project or plan. Thus, participation refers to the idea that in order to fully reap the benefits of active interaction with their population, governments should acknowledge the benefits that all actors of society, especially citizens, civil society organisations and the private sector have to offer in providing information and in consulting - and most importantly - engaging with them. Actively engaging a wide range of stakeholders contributes to the well-targeted use of limited state resources and providing better public service design and delivery, for example through consulting citizens to identify their needs. For an effective approach to stakeholder participation, governments need to share their agendas with all relevant actors and show commitment that policy proposals generated jointly will have an impact on the policy cycle. At the same time, active participation requires that all actors accept their increased responsibility for policy making.

Sources: Fung, A., M. Graham and D. Weil (2007^[1]), *Full Disclosure: The Perils and Promise of Transparency*, Cambridge University Press, Cambridge; OECD (2017^[2]), *OECD Recommendation of the Council on Public Integrity*, <http://www.oecd.org/gov/ethics/OECD-Recommendation-Public-Integrity.pdf>; OECD (2016^[3]), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>; OECD (2011^[4]), *Government at a Glance 2011*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

Governments are recognising the potential benefits of open government (Box 1.2) and have engaged in open government reforms through the implementation of strategies and initiatives, as is the case of Biscay (see Chapter 2).

Box 1.2. Potential benefits of open government

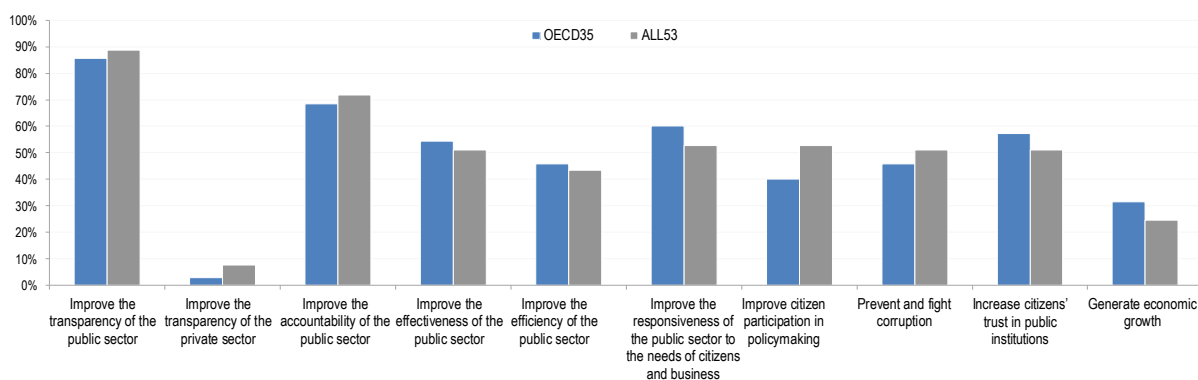
- **Establishing greater trust in government.** Trust is an outcome of open government that can reinforce government performance in other aspects. In addition, if citizens trust the government or specific government policies, then they may be more willing to pay (fees, contributions, taxes) to support these policies.
- **Ensuring better outcomes at less cost.** Co-design and delivery of policies, programmes and services with citizens, businesses and civil society offer the potential to tap a broader reservoir of ideas and resources.
- **Raising compliance levels.** Having people participate in the process helps them understand the stakes of reform and can help ensure that the decisions reached are perceived as legitimate.

- **Ensuring equity of access to public policy making** by lowering the threshold for access to policy-making processes for people facing barriers to participation.
- **Fostering innovation and new economic activity.** Public engagement and open government are increasingly recognised as drivers of innovation and value creation in both the private and public sectors.
- **Enhancing effectiveness by leveraging knowledge and resources of citizens who otherwise face barriers to participation.** Public engagement can ensure that policies are better targeted and address the needs of citizens, eliminating potential waste.

Source: OECD (2016^[3]), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

While governments may have different objectives for implementing such strategies and initiatives, including improving transparency, efficiency, accountability or public services, the overarching purpose is to change the culture of governance inside the public administration and in its interaction with citizens and other stakeholders (Figure 1.1). This is line with Biscay's goal, which is to improve its public services through a change of culture of governance in the Province³. Biscay's open government strategy and initiatives aim to permeate the mind-set of its public officials and that the cultural change transcends political changes. The objective is also that they contribute to change the relationship between citizens and the public administration, and to trigger a new paradigm from "citizens being governed" to an active citizenship. In this sense, Biscay's view is in line with the OECD's vision of what governments should seek in open government reforms.

Figure 1.1. Objectives of countries' open government strategies



Source: OECD (2016^[3]), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264268104-en>.

Biscay's particular multi-level governance structure

It is essential to understand the history of the Province and its current socio-political context to grasp their implications on its open government initiatives. This section describes Biscay's general context and discusses the multilevel governance of the province, highlighting, in particular, its high degree of autonomy, its political and regulatory structure

as well as the division of competences between the Spanish state, the Basque Country and its municipalities.

The governance structure of Spain comprises 17 autonomous communities, such as the Basque Country, Aragon and Andalusia, 2 autonomous cities (Ceuta and Melilla in Northern Africa), 52 provinces and 8 124 municipalities (INE, 2018^[5]). Biscay is one of the three provinces of the Basque Country in Spain, along with *Araba* and *Gipuzkoa*. The Province has a surface area of 2 217 square kilometres, representing 30% of the surface of the Basque Country and a population of 1.1 million inhabitants, making it the most populated province in the autonomous community (2.2 million in total). Biscay has 112 municipalities (*Araba* has 51 and *Gipuzkoa* 88); of which 39 have less than 1 000 inhabitants, 53 have between 1 000 and 10 000, 18 have between 10 000 and 100 000, and 2 have more than 100 000 inhabitants, Barakaldo and Bilbao. Bilbao is Biscay's capital city and economic centre, with approximately 345 000 inhabitants (INE, 2017^[6]).

The particular multilevel governance of Biscay is mainly due to a division of competencies between the different administrations in the Basque Country that do not follow a hierarchical distribution. The whole region has a high degree of autonomy in relation to the central government of Spain. The Spanish Constitution of 1978 recognises the right for autonomy and self-government to the territories or provinces with shared historic, cultural and economic characteristics (Government of Spain, 1978^[7]). These unique rights stem from the *Fueros Vascos*, which were historic special jurisdictions of the Basque territories (Box 1.3).

Box 1.3. The history and heritage of the *Fueros Vascos*

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

The *Fueros Vascos* changed regularly during the centralisation process of the 19th century (the Napoleonic Wars, the Carlists' wars, among others) until 1877 when they were abolished by the central government. Nevertheless, the fiscal autonomy of the Basque territories was maintained under the form of an “Economic Agreement”. During the Spanish Civil War (1936-1939), the agreement was abolished in *Gipuzkoa* and Biscay for not supporting the uprising.

With the end of the dictatorship of Francisco Franco, period known as *Franquismo*, in 1975 came the democratic transition that gave way to major political reform and the Spanish Constitution of 1978. This restored the recognition of the right for self-government for the three historic territories and paved the way for the Statute of Autonomy as well as a renewed economic agreement (now called “concert”), which was formally established in 1981.

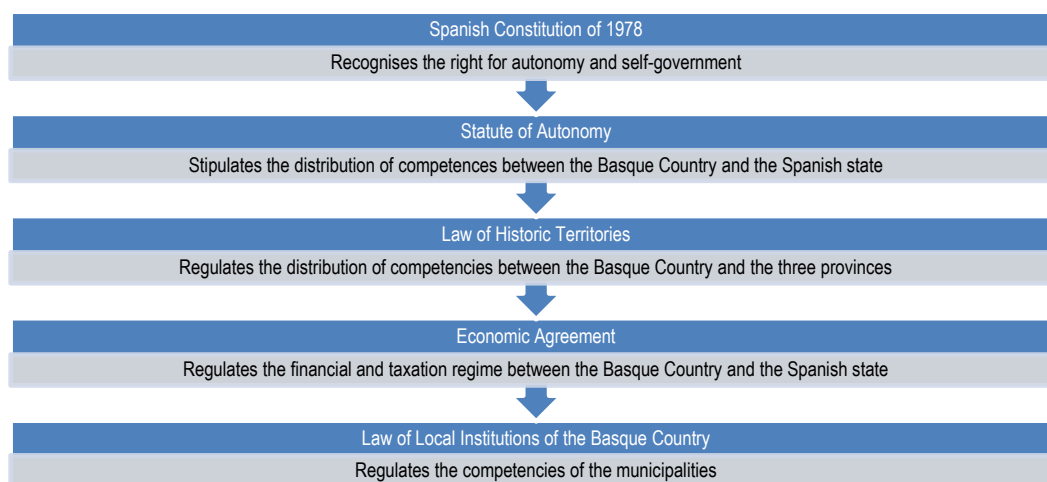
The *Fueros Vascos* helped shape the identity of the Basque territories and represent an essential element of the current socio-political context in the region. Likewise, they explain

the attachment to self-government and autonomy in the region. Finally, the *fueros* are the key difference with other territories and autonomous communities in the country.

Sources: Concierto Económico (n.d.^[8]), *Los Antecedentes (The Backgrounds)*, <http://www.conciertoeconomico.org/es/que-es-el-concierto/historia/500-anos-de-hacienda-foral/los-antecedentes>; Agirreazkuenaga Zigorraga, J. and E. Alonso Olea (eds.) (2014^[9]), *Historia de la Diputación Foral de Bizkaia 1500-2014 (History of the Provincial Council of Biscay 1500-2014)*, <http://bizkaikohistoria.com/includes/pdf/libro.pdf>; Ayuso, M. and R. Zallo (2009^[10]), *The Basque Country: Insight into its Culture, History, Society and Institutions*, Eusko Jaurlaritzaren Argitalpen Zerbitzu Nagusia, Basque Autonomous Community, http://www.kultura.ejgv.euskadi.eus/r46-714/es/contenidos/informacion/ezagutu_eh/es_eza_eh/adjuntos/eza_en.pdf.

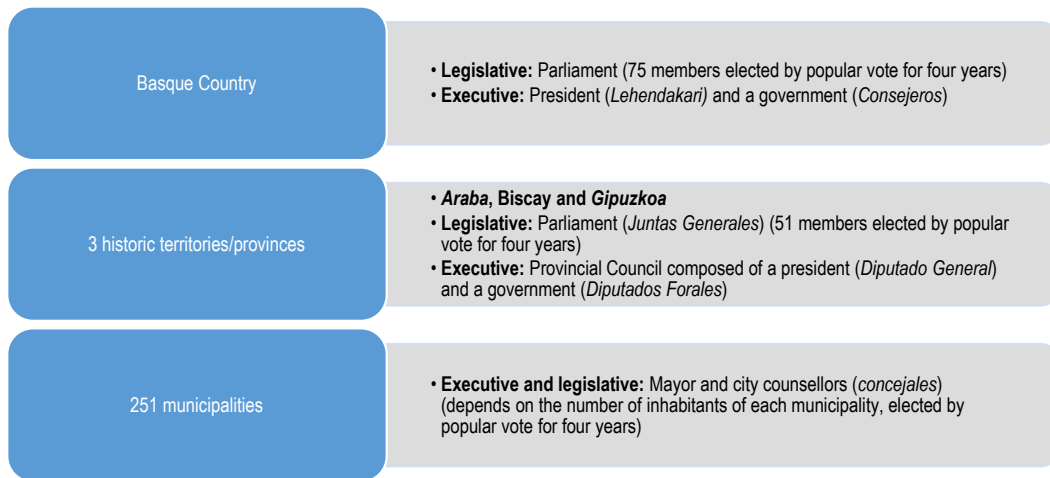
The Basque Country adopted its Statute of Autonomy in 1979, also known as the Statute of Guernica. The statute stipulates the composition of the autonomous community with the three historic provinces (Biscay, *Araba* and *Gipuzkoa*) as well as the distribution of competences between the Basque Country and the Spanish state, including the terms for disposing of fiscal autonomy (Congreso de España, 1979^[11]). The main competences of the Basque Country are healthcare, social affairs and education (Congreso de España, 1979^[11]), common sectors with high levels of citizen participation. See Figure 1.2 for an overview of the regulatory framework of the Basque Country.

Figure 1.2. The regulatory framework of the Basque Country



Source: Basque Government (n.d.^[12]), *Normativa vigente del Concierto Económico [Current legislations of the Economic Concert]*, <http://www.euskadi.eus/informacion/normativa-vigente-del-concierto-economico/web01-a2conci/es/>.

At the regional level, the political power in the Basque Country is exercised by a parliament composed of an equal number of representatives from each historic territory (75 parliamentarians in total), who are elected by a popular vote for a period of four years. The Executive Branch is composed of a president - also called *Lehendakari* in Basque - who is designated by the Parliament, who in turn appoints counsellors to form a government (Figure 1.3). The capital city is Vitoria-Gasteiz in the province of *Araba*.

Figure 1.3. Political structure within the Basque Country

Source: Author.

The province of Biscay, as well as the provinces of *Araba* and *Gipuzkoa*, is also called a “historic territory”, a term exclusive to the Basque Country that describes the political and administrative system of its three provinces. The political system is led by the provincial bodies, which comprise a parliament (*Juntas Generales*) and a provincial council. Each parliament is composed of 51 members who are elected by popular vote for a period of four years. The parliaments have the capacity to approve provincial laws and regulations. The executive power in the historic territories is exercised by the provincial councils, composed of a president (*Diputado General*) who is designated by the Parliament and a team of deputies, designated by the president, to lead the government. The main competencies of the provincial councils (which are greater in the Basque Country than in any other region in Spain) are tax collection and policy, territorial planning, roads and public works, environment, cultural heritage and social welfare, as well as the economic and financial tutelage of the municipalities (Basque Government, 2005^[13]). The Law of Historic Territories regulates the complex distribution of competencies between the Basque Country and the provinces (BOE, 1983^[14]).

The political power of the municipalities of the Basque Country is exercised by a city council composed of a mayor and of city counsellors (*concejales*). City counsellors are elected by popular vote for a period of four years and designate the mayor. The number of city counsellors per municipality depends on the number of inhabitants. The municipalities with fewer than 500 inhabitants have 3 city counsellors. It increases proportionally to 50 000 to 100 000 inhabitants for 25 city counsellors and for municipalities with more than 100 000 inhabitants, there is one additional city counsellor per 100 000 inhabitants. The competencies of the municipalities are regulated by the Law of Local Institutions of the Basque Government, also known as “LILE” for its initials in Spanish (BOE, 2016^[15]).

General elections take place for the 3 provincial parliaments and the city counsellors in the 251 municipalities at the same time (BOE, 1985^[16]). The most recent elections were held in May 2015 and the next elections will take place in May 2019.

The fiscal system

Biscay is characterised by its high degree of autonomy, particularly in fiscal terms, which are recognised as a historical right of the three Basque Provinces in the Spanish Constitution of 1978. The fiscal system of the Basque Provinces, called the *régimen foral*, represents one of the region's most notable characteristics, granting them a unique role within the Basque Country and the Spanish state. The main feature is its fiscal autonomy from the Spanish state, in contrast to the *régimen común* that was developed for the other autonomous communities, except for the Local Community of Navarre, which also has its own *régimen foral*.

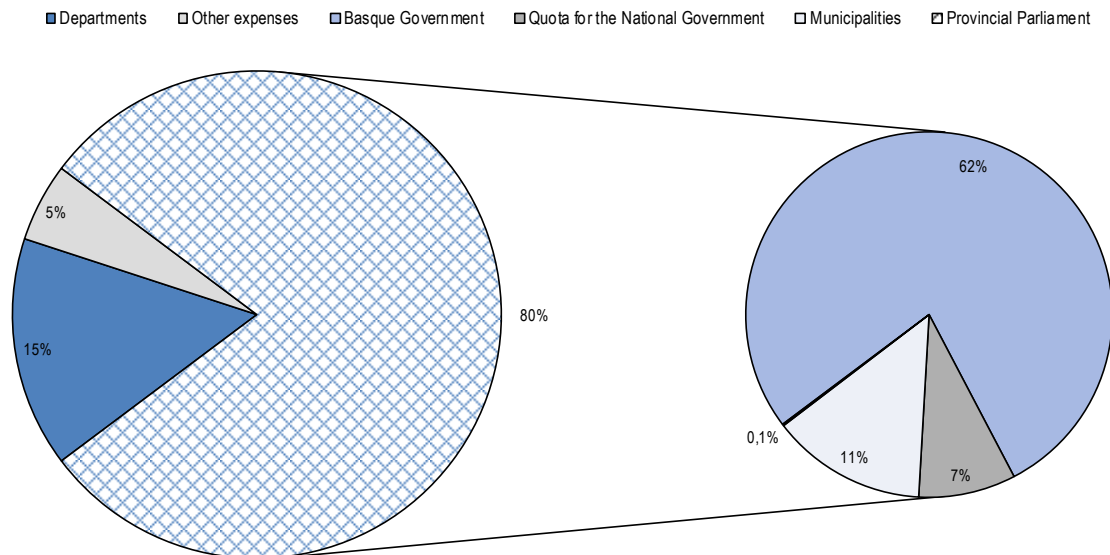
The *régimen foral* establishes that the provinces are responsible for setting, collecting and distributing taxes based on the principles stipulated in the so-called “Economic Agreement” (Congreso de España, 1979^[11]). In practice, this means that the finance ministries of each province collect direct (corporate and personal income tax) and indirect taxes (value-added tax [VAT], special taxes on alcohol, tobacco and fuel). Subsequently, each province distributes the income vertically and horizontally: vertically to the Basque Country, to the Spanish State and to the municipalities; and horizontally among the provinces.

The amount that each province transfers to the Basque Country is defined by the Council of Public Finances of the Basque Country. It depends on the size of the economy of each province and is adjusted every year to the provision of tax collection of each. The Council also determines a methodology to distribute the resources between the institutions of the Basque Country (Basque Government, 2004^[17]). Finally, the parliaments of the provinces have provincial norms to determine the amount that each will contribute to their municipalities (BOB, 2005^[18]).

The fiscal relations between the Basque Country and the Spanish state are regulated by the aforementioned Economic Agreement. This agreement stipulates that the tax regime within the Basque Country shall respect the general taxation structure of the Spanish state. Similarly, it specifies that a quota will be paid as a contribution for all the charges of the state that are not assumed by the Basque Country (e.g. embassies, national defence) (BOE, 2017^[19]). The quota is revised and negotiated every five years; the current rate is 6.24% of the total tax collection of the three historic territories (BOE, n.d.^[20]). The transfers from the territories to the Basque Country are calculated every year based on the size of their economies and their revenue capacity. The transfers are regulated by a law and agreed by the Basque Financial Council, which is composed of 9 members: 3 from the Basque Government, 3 from the provinces and 3 from the municipalities (one for each province). In 2018, the transfers were paid 50.4% by Biscay, 33.2% by *Gipuzkoa* and 16.4% by *Araba* (Law 2/2007^[21]).

Revenues in Biscay come essentially from personal income tax and VAT. It has the highest income in the Basque Country, with a total income of approximately EUR 7.8 billion in 2018. In comparison, *Araba* had an income of EUR 2.4 billion and *Gipuzkoa* EUR 4.8 billion (Basque Government, 2018^[22]). Biscay's budget is divided to cover the Departments of the Provincial Council (or provincial ministries, hereafter “Departments”) (15% of the total budget), other expenses of the Province (5% of the total budget) such as public debt of the Province and staff costs. The remaining 80% of the budget is transferred, 62% goes to the Basque government, representing EUR 4.8 billion. In comparison, *Gipuzkoa* transferred EUR 3 billion and *Araba* EUR 1.5 billion (Basque Government, 2018^[23]). Other transfers from Biscay include 7% to the quota for the national government, 11% to municipalities and 0.1% to the Provincial Parliament (Figure 1.4).

Figure 1.4. Budget distribution in Biscay, 2018

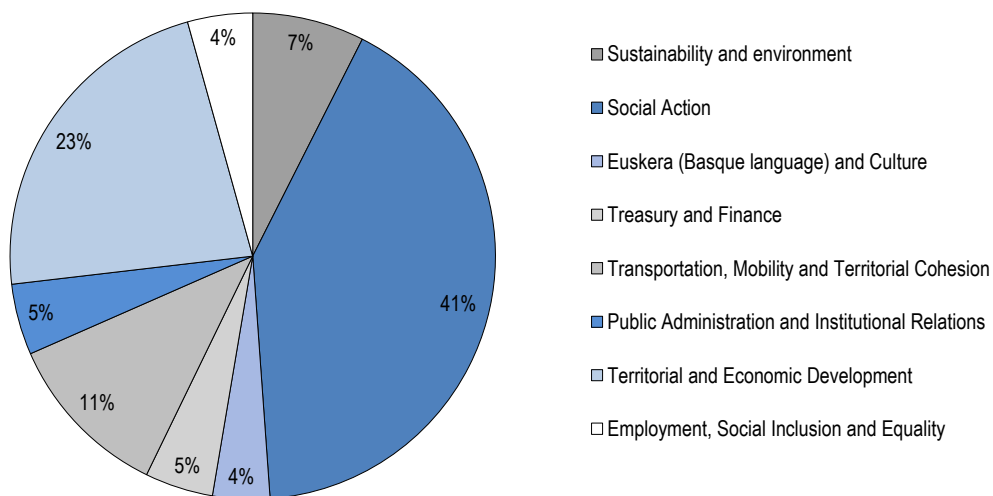


Notes: The category “other expenses” includes the public debt of the Province of Biscay, staff costs of the Province and credit for global payment.

Source: Provincial Council of Biscay (2018^[24]), *Provincial Budget 2018 by Department and Chapter*, http://www.bizkaia.eus/ogasuna/presupuestos/presupuestos_berria/df/4.asp?tipo=6&ejercicio=2018&coid=9069&tem_codigo=10769 (accessed on 21 February 2019).

As seen in Figure 1.5, the budget of Biscay’s Departments, which represents 15% of the total, is spent in the Province’s main areas of competence: social action (41%), territorial and economic development (23%) and transportation, mobility and territorial cohesion (11%) (Provincial Council of Biscay, 2018^[24]).

Figure 1.5. Expenditures by Department in Biscay, 2018



Source: Provincial Council of Biscay (2018^[24]), *Provincial Budget 2018 by Department and Chapter*, http://www.bizkaia.eus/ogasuna/presupuestos/presupuestos_berria/df/4.asp?tipo=6&ejercicio=2018&coid=9069&tem_codigo=10769 (accessed on 21 February 2019).

In addition to having more local proximity to citizens, the capacity of Biscay to collect tax revenue and its degree of autonomy gives the Province the economic capacity and the flexibility to implement ambitious policies, strategies and initiatives.

Biscay's socio-economic and cultural heritage

Historically, industrialisation in the region was developed around the port of Bilbao. Biscay underwent an important industrialisation process in the 19th and 20th centuries. In parallel to the Basque Country, the Province specialised in sectors such as fishing, agriculture and mining – in particular iron. Mining gave way to the very fast economic development that spread in the region throughout the 19th century. The iron and steel industry soon attracted major shipping, electrical, chemical and paper industries and continued to grow throughout the 20th century. However, Biscay went through a major economic crisis in the late 1970s with the liberalisation of the economy and the end of *Franquismo* (Ayuso and Zallo, 2009_[10]). During the coming decades, the region transformed its high unemployment and low GDP with what is now called the “First Great Transformation”, which consisted of a strategy on multiple fronts to revitalise its economy via the promotion of industrial infrastructure, innovation and technological development, support for new initiatives and job creation (Agirreazkuenaga et al., 2014_[9]).

Biscay had the largest GDP of the Basque provinces in terms of size, with EUR 33.2 billion, compared to EUR 21.7 billion for *Gipuzkoa* and EUR 11.4 billion for *Araba* in 2015 (INE, 2015_[25]). At the national level, it has the sixth largest GDP, preceded only by the provinces of Madrid, Barcelona, Valencia, Seville and Alicante. In 2017, Biscay had an annual GDP growth of 2.9%, the same as the Basque Country (*Araba* was at 3.0% and *Gipuzkoa* at 2.8%). Nevertheless, Biscay has a slightly lower GDP per capita than the other provinces and the highest rate of unemployment at 11.4% (the average unemployment rate in the Basque Country is 9.58% (INE, 2018_[26])) for the 4th quarter 2018.

Services is the most important economic sector in Biscay, representing around 74% of its GDP, followed by industry and energy (19%), construction (6%) and agriculture, farming and fishing (1%) (EUSTAT, 2017_[27]). In 2017, Biscay saw an increase in its industrial activity, particularly in manufacturing and energy activities, translated into a rise in employment and internal demand. Exports increased and are an important driving force of the economy. In addition, 2017 was a historic year in terms of tourism, reaching new records of visitors (1.4 million) in the Province (Department of Treasury and Finance, 2018_[28]).

Biscay, and more generally the Basque Country, have a strong culture of social participation and public-private collaboration. One of the main roots of social participation lies in the practice of *Auzolan*, collaborative work between neighbours on community projects historically linked to the Basque Country. This culture of participation led civil society to build strong links within its community (Ayuso and Zallo, 2009_[10]). This particular sense of community has favoured participative processes in the social and economic sectors of the Province. The social side, or social model as it is known in Biscay, is based on the historic collaboration between non-governmental organisations and other non-profit organisations (the so-called “third sector”) and the Department of Social Services to co-create and co-implement public policies and services in this sector. On the economic side, historic public-private collaboration is reflected in the important number of cooperatives present in the territory and the region - 1 425 in Biscay, 1 116 in *Guipuzkoa* and 506 in *Araba* (High Council of Cooperatives in the Basque Country, n.d._[29]). In addition, there are several partnerships from private companies and the public sector, in

particular with the Provincial Council, which collaborates on projects for the economic development of the region such as the Energy Intelligence Center, the Automotive Intelligence Center, the Nagusi Intelligence Center (research center on ageing issues) and the Financial HUB project.

The aforementioned context gives the sense that Biscay has a well-established environment prone for open government strategy and its initiatives to deliver upon its promises. The financial autonomy, its competencies as well as the cultural heritage allows and calls for stakeholder participation and a more open and transparent government.

The OECD approach to open government and the OECD Open Government Review of Biscay

The OECD approach to open government

The OECD has been at the forefront of the international open government agenda. It has been working since 2001 conducting reviews, collecting information and analysing data related to the open government principles of transparency, integrity, accountability and stakeholder participation. The OECD also undertakes dissemination activities and capacity-building exercises at the local, national and regional levels. Likewise, it has consolidated three networks on open and innovative government in the Middle East and North Africa, in Latin America and the Caribbean and in Southeast Asia. These provide governments the opportunity to exchange practices and experiences with other countries in their regions.

In 2015, the OECD conducted a survey on open government initiatives and practices with 54 countries, including all OECD countries and partner and other countries. The analysis resulted in the 2016 report, *Open Government: The Global Context and the Way Forward*. This stocktaking exercise showed that there are diverse definitions, objectives and implementation methodologies concerning open government and revealed the need to have a clear, actionable, evidence-based and internationally recognised reference and understanding of what open government strategies and initiatives require.

Based on this assessment, OECD countries requested that the OECD to develop a legal instrument on the governance of open government. The Organisation, building upon the accumulated evidence-based analysis and expertise on the topic, developed a draft proposal of the OECD Recommendation of the Council on Open Government. During a period of several months, the draft recommendation was subject to an online public consultation and to comments from participating countries. Finally, the Recommendation was adopted by the OECD Council, the OECD's governing body that has the power to adopt legal instruments, in December of 2017. The Recommendation defines open government as “a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholder participation in support of democracy and inclusive growth” (OECD, 2017^[30]). It also sets guidelines for the adherents and provides a comprehensive overview of the main tenets of open government strategies and initiatives. The strategies and initiatives of open government in Biscay are assessed and benchmarked against the provisions of the Recommendation (Table 1.1).

Table 1.1. OECD Recommendation of the Council on Open Government

Provisions	
1.	Take measures, in all branches and at all levels of the government, to develop and implement open government strategies and initiatives in collaboration with stakeholders and to foster commitment from politicians, members of parliaments, senior public managers and public officials, to ensure successful implementation and prevent or overcome obstacles related to resistance to change.
2.	Ensure the existence and implementation of the necessary open government legal and regulatory framework, including through the provision of supporting documents such as guidelines and manuals, while establishing adequate oversight mechanisms to ensure compliance.
3.	Ensure the successful operationalisation and take-up of open government strategies and initiatives by: <ul style="list-style-type: none"> (i) providing public officials with the mandate to design and implement successful open government strategies and initiatives, as well as the adequate human, financial, and technical resources, while promoting a supportive organisational culture (ii) promoting open government literacy in the administration, at all levels of government, and among stakeholders.
4.	Co-ordinate, through the necessary institutional mechanisms, open government strategies and initiatives - horizontally and vertically - across all levels of government to ensure that they are aligned with and contribute to all relevant socio-economic objectives.
5.	Develop and implement monitoring, evaluation and learning mechanisms for open government strategies and initiatives by: <ul style="list-style-type: none"> (i) identifying institutional actors to be in charge of collecting and disseminating up-to-date and reliable information and data in an open format (ii) developing comparable indicators to measure processes, outputs, outcomes, and impact in collaboration with stakeholders (iii) fostering a culture of monitoring, evaluation and learning among public officials by increasing their capacity to regularly conduct exercises for these purposes in collaboration with relevant stakeholders.
6.	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.
7.	Proactively make available clear, complete, timely, reliable and relevant public sector data and information that is free of cost, available in an open and non-proprietary machine-readable format, easy to find, understand, use and reuse, and disseminated through a multi-channel approach, to be prioritised in consultation with stakeholders.
8.	Grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy cycle and service design and delivery. This should be done with adequate time and at minimal cost, while avoiding duplication to minimise consultation fatigue. Further, specific efforts should be dedicated to reaching out to the most relevant, vulnerable, underrepresented, or marginalised groups in society, while avoiding undue influence and policy capture.
9.	Promote innovative ways to effectively engage with stakeholders to source ideas and co-create solutions and seize the opportunities provided by digital government tools, including through the use of open government data, to support the achievement of the objectives of open government strategies and initiatives.
10.	While recognising the roles, prerogatives, and overall independence of all concerned parties and according to their existing legal and institutional frameworks, explore the potential of moving from the concept of open government toward that of open state.

Source: OECD (2017^[30]), *Recommendation of the Council on Open Government*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438>.

The OECD Open Government Review of Biscay

This *OECD Open Government Review of Biscay* is designed to offer Biscay support in its efforts to build a closer, more open, transparent, and accountable government. The assessment is based on the Recommendation of the OECD Council on Open Government. It provides the Province with an in-depth analysis of its open government initiatives and makes recommendations to integrate open government principles and practices into its policy-making cycles, and to monitor and evaluate their impact.

Chapter 2 of the review assesses the enabling environment of open government in Biscay by analysing its policy framework, its definition of open government (Provision 1) and its

legal and regulatory framework (Provision 2). Chapter 3 assesses the implementation of open government strategies and initiatives in Biscay by reviewing its institutional setting and co-ordination mechanisms (Provision 4), its literacy, human resources and capacities (Provision 3) and communication (Provision 6), information and data (Provision 7) and how it contributes to improving public services in the Province. Chapter 4 assesses the monitoring and evaluation mechanisms (Provision 5) by examining the monitoring methodology used by the Provincial Council of Biscay and analysing the construction of a policy evaluation system in Biscay. Finally, Chapter 5 assesses the stakeholder participation practices in Biscay (Provisions 8 and 9) by analysing the co-creation processes and the involvement of stakeholders in the policy cycle and service design and delivery.

Notes

¹ 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”.

² This network was part of the pilot programme that the OGP launched for sub-national governments and civil society “who were already involved in open government and were further encouraged to engage in peer learning” (OGP_[31]).

³ As explained by officials in interviews with the OECD and in their Open Government Action Plan (OGAP).

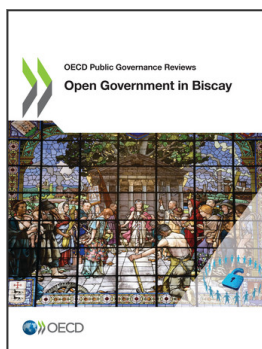
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