

Chapter 1. Stakeholder participation as a pillar of Open Government

This chapter defines and explains OECD principles and practices related to stakeholder participation as a pillar of Open Government, providing a framework of enablers for systematic integration of participation into policy making.

Levels of participation

Participation can be understood as the interaction, either formal or informal, between government, citizens, and other stakeholders, including civil society organisations (CSOs), academia, and the private sector, which is used to inform a specific policy outcome in a manner that ensures well-informed decision making and avoids policy capture (OECD, 2016a).

The OECD Recommendation on Open Government defines stakeholder participation as “all the ways in which stakeholders can be involved in the policy cycle and in service design and delivery” (OECD, 2017a).

The Recommendation, alongside other standard-setting legal instruments of the OECD (2015a, 2015b) conveys the belief that:

- Stakeholder participation is an essential part of an inclusive and transparent policy-making process.
- The enabling legal, policy and institutional frameworks for stakeholder participation must be connected and coordinated with other elements of open government, such as ensuring access to information, integrity of public service, and responsiveness of public sector institutions.
- Stakeholder participation is a structured approach to interact with stakeholders at any moment of the policy cycle about any policy decisions and about public service design and delivery.

Open government implies three different but complementary and increasing levels of citizen-government relationships (Figure 1.1)

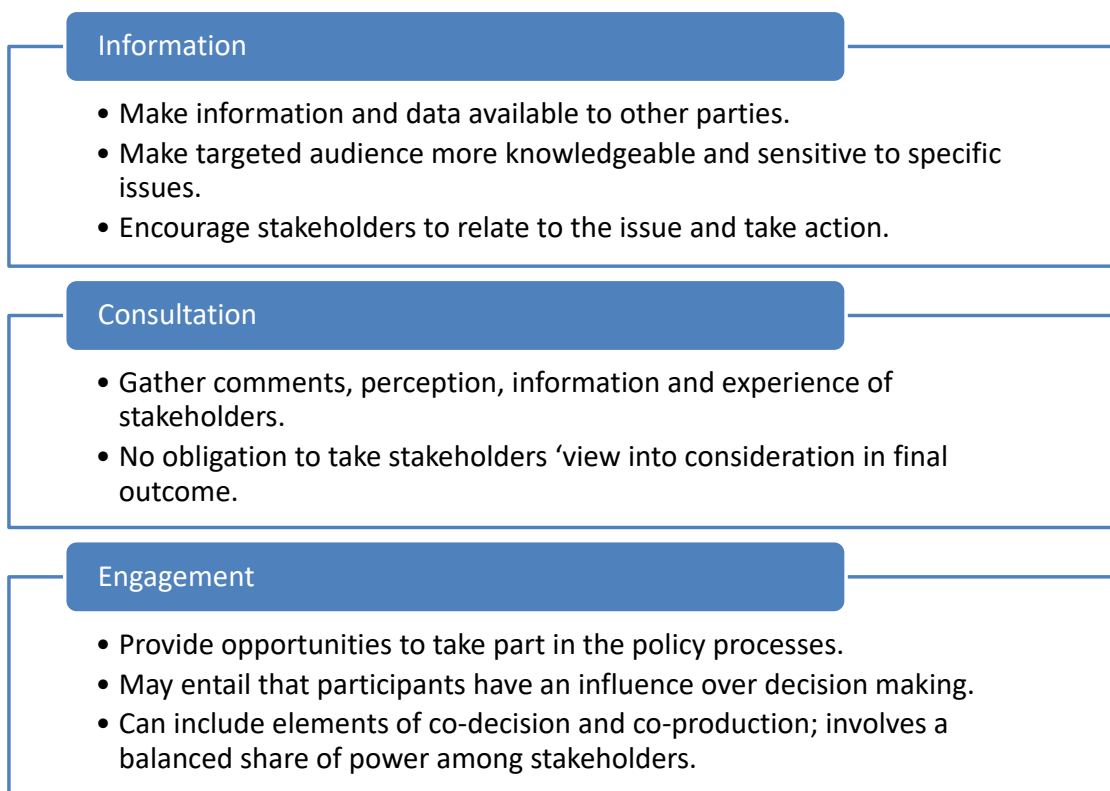
Information is a one-way relationship in which governments produce and deliver information to be used by citizens. It covers both “passive” access to information upon citizen demand and “active” measures by government to disseminate information to citizens. Examples include access to public records, official gazettes and government websites. Access to information is part of the legal frameworks of most countries today. It is an important precondition for citizens’ abilities to enquire, scrutinise and contribute to decision making (Gavelin, Burall and Wilson, 2009) and a key building block of open government reforms.

Kazakhstan’s Law on Access to Information sets standards for all public bodies for disclosing government information and ensuring the availability of public data. It also specifies the obligation to respond to citizens’ requests for information. The law applies to bodies and institutions of the legislative, executive, and judicial branches of state power, as well as local administration. Any other state-affiliated institutions as well as quasi-state sectors are also subject to the law.

Public Councils follow the requirements to disclose information about their constitution, their activities and their results.

Access to information is a necessary, but on its own, insufficient precondition for effective citizen participation, as the provision of information does not automatically lead to participation. It is the attributes of the information disclosed, including its relevance to the concerns of stakeholders and its usability, that make the difference in the actual use of information for engagement and influencing policy decisions (OECD, 2016).

Figure 1.1. Levers of stakeholder participation



Source: OECD (2016), Open Government: The Global Context and the Way Forward, OECD Publishing, Paris,

Consultation is a two-way relationship in which citizens provide feedback to government (comments, perceptions, information, advice, experiences and ideas). It is based on the prior definition by government of the issues on which citizens' views are being sought that require provision of information. Governments define the issues for consultation, set the questions and manage the process, while citizens are invited to contribute their views and opinions. The process is often initiated by decision makers looking for insights and views from stakeholders involved or who will likely be affected by the outcomes (OECD, 2016).

Some 94% of OECD countries require public consultation on some or all primary laws (OECD, 2015).

In Kazakhstan, it is obligatory to consider the opinion of National Business Chamber Atameken on all regulatory acts that have a potential effect on business environment and entrepreneurial activities (Law on the National Business Association Atameken).

Public Councils are invited to provide their comments on regulatory acts, but these are recommendatory in nature (Law on Public Councils).

Engagement or active participation is a relationship based on a partnership between citizens and governments. Citizens actively engage in defining the process and content of

policy-making. Like consultation, engagement is based on a two-way interaction. It acknowledges equal standing for citizens in setting the agenda, proposing policy options and shaping the policy dialogue, although the responsibility for the final decision or policy formulation rests with the government in many instances (OECD, 2016).

Engagement recognises the capacity of citizens to discuss and generate policy options in collaboration with the government. It requires governments to design their agendas with citizens and relies on governments' commitment that policy proposals generated jointly will have an impact on the policy cycle (Corella, 2011). At the same time, engagement requires citizens to accept their increased responsibility for policy making. Engagement practices need to provide sufficient time and flexibility to allow for the emergence of new ideas and proposals by citizens, as well as mechanisms for their integration into government policy-making processes.

Nowadays, countries are increasingly exploring methods of actively engaging citizens in creating policies and co-designing and co-delivering services.

In Kazakhstan, the activities of public councils in initiating and conducting public monitoring of services is a good example of citizen engagement in the evaluation and monitoring of government activities with the aim of improving service quality and user-centric delivery.

The functions of public councils are described by Kazakh regulations as exercising "public control", which implies the objective of holding government institutions accountable for their performance. However, the councils do not and should not have a mandate for oversight over public institutions.

This role is in the hands of elected representative bodies such as local councils (*Maslihat*), the Parliament, and independent oversight institutions, such as the Information Commission or auditing institutions. In general, control and oversight bodies or institutions are usually either independent from the entity that they are supposed to control or solely composed of members of that entity (e.g. an internal control unit). This is not the case with councils, as they are affiliated with public institutions, and public officials form 1/3 of their membership.

Therefore, the public councils are a participatory format, with some elements that support the accountability of institutions. Accountability is an interactive process that requires that those held accountable explain their decisions and actions, and that defines the external stakeholders' right and ability to inquire about those actions (Fox, 2014).

Throughout this report, the analysis and recommendations target the goal of ensuring that the councils can effectively perform their role of promoting citizen's active participation.

Enablers of citizen participation

Governments are responsible for encouraging citizens and stakeholder participation by creating an enabling environment and establishing appropriate legal, policy and institutional frameworks to help remove obstacles for the participation of everyone, and especially of those who are frequently excluded, for example youth, women or marginalised groups of society (OECD, 2017b).

The following analysis and recommendations are structured into four aspects that constitute the main enablers for stakeholders' participation (see Figure 1.2).

Figure 1.2. Enablers for participation

- **Policy framework**, including open government, anti-corruption, or digital government strategies
- **Legal framework**, including regulations and administrative procedures;
- **Institutional framework**, including financial and human resources, and related institutions to support participation practice;
- **Capacity, i.e. the awareness, motivation and skills** of policy-makers such as elected officials and civil servants to conduct participatory processes.

To create a shift towards participatory culture in policy-making, best practices from OECD countries suggest adopting a holistic approach by addressing all the above-mentioned enabling factors. Focusing on one component only, e.g. by merely adopting regulation but not supporting its implementation by building capacities, does not enhance participation. Furthermore, political and cultural attitudes are also part of creating a favourable environment for effective participation.

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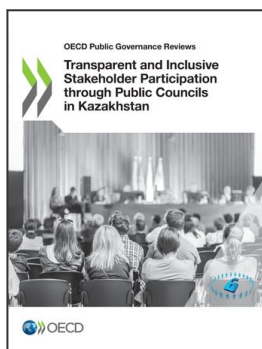
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