

# IRM ASSESSMENT OF MADRID'S 2018-2021 ACTION PLAN

## Introduction

This assessment is part of the IRM's consolidated report for the OGP Local Program, which reviews the implementation of the 2018-2020 and 2018-2021 local action plans. It summarizes the IRM's findings on the implementation of Madrid's 2018-2021 action plan, including the early results achieved, the completion of commitments and the level of public engagement in the implementation process. The assessment is based on a review of evidence from events and activities that took place during the action plan implementation period between 2018 and 2021.

To submit comments or inquiries about the assessment or the IRM process, please email: [irm@opengovpartnership.org](mailto:irm@opengovpartnership.org)

## Findings

Madrid's second action plan achieved a lower completion rate than its first action plan in 2017. This was due to a combination of factors, including the impacts of the Covid-19 pandemic, technical, legal, and budgetary obstacles not foreseen during the design stage of the commitments and changes in priorities on the part of the newly elected city government in 2019. For example, the creation of a citizen assembly-like body called "Observatorio de la Ciudad" was rescinded in February 2020 (later replaced with a different participatory body) on the basis that it was an inefficient model of citizen participation and that it did not fall under the scope of the new government's model for citizen participation. In addition, the overall level of engagement during the implementation of the second action plan worsened significantly as compared to both the design phase and the first action plan cycle.

### 1. Early results

Commitment 5 was the only one to have shown early results, albeit marginal, within the extended action plan timeframe. Commitments 1, 2 and 4 were only completed to a limited extent, while the main output of commitment 3, an online government commitment tracker, was not launched until later.

#### **Commitment 5: Creation of "Observatorio de la Ciudad"**

##### **Did it open Government?: *Marginal***

The IRM considered this commitment to have transformative potential impact in its design phase, since it aimed to open up decision-making on government actions directly to a representative sample of citizens for the first time<sup>1</sup>. The "Observatorio de la Ciudad" (City Observatory) was created as a space for citizen participation, composed of a representative sample of the city's population selected at random by lottery. The mandate of the City Observatory was to monitor municipal actions and policies, as well as analyze, amend and recommend action on citizen proposals made through the citizen participation platform "Decide Madrid". It was permanent and independent in its operation. The City Observatory was highlighted as one of the emerging innovative practices by the OECD<sup>2</sup>.

On February 1<sup>st</sup> 2019, the City Council approved the Regulation of the City Observatory, following a public consultation process<sup>3</sup> and giving it strong (although not legally binding) decision-making powers on the citizen proposals made through "Decide

Madrid”. Between February and March 2019, the 49 members and 147 substitute members of the City Observatory were selected via lottery and three working sessions of the City Observatory were held between March and October 2019<sup>4</sup>. The initial results during the months that the Observatory was in operation show that citizens deliberated and proposed concrete action on whether to implement those citizen proposals that had the most votes on the “Decide Madrid” platform. Likewise, members of the Observatory voted on the issues to be prioritized and the municipal policies to be analyzed in various working groups focusing on, among others: environment and sustainable transport; cleanliness, care and maintenance of public spaces; and inequality between districts<sup>5</sup>. These decisions made within the Observatory were presented to the municipal authorities to inform decision-making and prioritization in these areas.

However, at the time of writing, the City Observatory had ceased to exist as a space for citizen participation. In November 2019, the newly elected Madrid Government began the process of rescinding the City Observatory arguing that it was an inefficient model of citizen participation and that it did not fall under the scope of the new model for citizen participation that was under preparation<sup>6</sup>. Government representatives stated that the topics of discussion that were taking place within the Observatory did not focus on the broader government strategy and plan but were hyper specific focusing on proposals presented through the Decide Madrid platform. Despite public support for the maintenance of the Observatory<sup>7</sup>, the Council approved the repeal in February 2020<sup>8</sup>. Instead, the Council constituted a new advisory body in June 11, 2021 (outside of the action plan implementation period) called “Consejo Social de la Ciudad”, to guide strategic planning through the participation of the most representative economic, social, professional and neighborhood organizations.<sup>9</sup>

Thus, while the City Observatory led to changes to government practice for the short time it was operational and had the potential to continue to grow as a participatory mechanism, ultimately, it did not lead to a sustainable change in practice, limiting the scope of commitment’s early results as compared to the conditions that existed prior to the implementation of the plan.

## 2. Completion

Commitment	Completion: <i>(no evidence available, not started, limited, substantial or complete)</i>
<b>1: Anonymous online whistleblower reporting channel</b>	<b>Limited</b> For the implementation of the activities within this commitment, in February 2019, the Municipal Office against Fraud and Corruption introduced an electronic form on its website that allows for anonymous reporting of corruption cases. The system being used (SIGSA - Integral System of Management and Follow-up of Files) allows the electronic processing of files with high standards of security and confidentiality. However, the online form uses the same systems as other websites and online forms on the Madrid City website, which register the IP address from which the request is made as well as several other parameters <sup>10</sup> . As a result, the security of communication and

	<p>anonymity of the person filing the report cannot be guaranteed, which is central to the commitment objective<sup>11</sup>.</p>
<p><b>2: Madrid in data</b></p>	<p><b>Limited</b></p> <p>In May 2021, three months before the end of the implementation period, the City of Madrid signed two contracts to work on an open data portal: a contract to provide new visual functionalities to the portal<sup>12</sup>; and another contract to create specific visualizations on eight datasets<sup>13</sup>. The prototypes were under development at the time of reporting. The city also published other ad hoc web visualizations on thematic areas (e.g. Covid-19)<sup>14</sup> and visualizations carried out within the scope of the municipal Geoportal<sup>15</sup>. However, while the City of Madrid took into account the results of various existing surveys, it did not conduct specific consultation activities with Districts Boards and Citizens to help identify and refine the data to be included on the web portal as envisaged by one of the two milestones of this commitment. The sum of these activities, including the consultancies hired to improve the site and its functionalities, have the potential to significantly improve Madrid's data ecosystem building towards the commitment's objective. However, since they were in progress at the time of reporting and the first milestone to hold consultations was not completed, the commitment completion is limited.</p>
<p><b>3: Online government commitment tracker</b></p>	<p><b>Substantial</b></p> <p>The City of Madrid City implemented this commitment along two parallel lines of work: firstly, developing an online tracker to monitor implementation of the Government Plan of the Madrid City Council, while at the same time developing a second version with additional technical specifications to allow for greater sustainability and operational capacity for the tracker in the future. The incorporation of the tracker into the Madrid City Council's IT project portfolio as well as the functional design and IT development were finalized<sup>16</sup>. However, the tracker was not launched within the timeframe of the action plan, with the initial iteration expected in October 2021 and the updated version operational by March 2022. In part, this is due to the updates made to the Strategic Plan of the City of Madrid, which is the basis for the tracker.</p>
<p><b>4: Transparency in waste management</b></p>	<p><b>Limited</b></p> <p>The commitment was designed within the broader strategic framework of the City of Madrid's Waste Strategy 2018-2022 which was subsequently annulled by the Madrid Court on the basis that the technical requirements were not met during the approval of the strategy<sup>17</sup>. In this context, the City of Madrid opted to prioritize transparency by publishing existing data and information with regards to waste management in a visual and user-friendly manner<sup>18</sup>. The city government carried out an</p>

	analysis of the functional requirements of the project and prepared the specifications for the outsourcing of the online visualization of data. The City of Madrid also established a partnership with Carlos III University to undertake an analytical project on urban waste <sup>19</sup> . However, the envisaged platform was not developed within the timeframe of the action plan.
<b>5: Creation of the “Observatorio de la Ciudad”</b>	<b>Complete</b> See details in “Section 1: Early Results”

### 3. Civil society and public engagement during implementation

#### Level of public influence: No consultation

The overall level of engagement during the implementation of Madrid’s second action plan worsened as compared to both the design phase and the first Action Plan cycle. For the development of the action plan, the Government consulted on the draft commitments, while during the implementation process, no consultation was held, and the government did not inform of commitment progress to stakeholders.

The City of Madrid did not establish a multi-stakeholder forum (MSF) either during the design<sup>20</sup> or implementation of the second action plan. There is no evidence of the existence of regular spaces for civil society interaction, participation, and deliberation regarding the OGP process or the Open Government policies and strategies in general.

The Action Plan is not published on the main government webpage dedicated to Open Government strategy and policies and it is hard to access to the Open Government Action Plan 2018-2020 on the City of Madrid websites<sup>21</sup>. Likewise, there is no repository with information on the OGP process and the government did not provide the public with information on the implementation of the action plan.

Only two CSOs, Access Info Europe and Compromiso y Transparencia, reported having a meeting (on their request) with the government Point of Contact on September 7, 2020 to discuss the overall funding and the OGP Action Plans (current and future) although there was no follow-up on the meeting<sup>22</sup>.

With regards to the engagement of civil society and citizens on the implementation of specific commitments, the situation is similar. Most of the commitments included definition and prioritization work during implementation. The IRM design report included specific recommendations on the incorporation of citizen views during the implementation of commitments, particularly in the cases of Madrid in Data (commitment 2), the Government online commitment tracker (commitment 3) and transparency in waste management in the City of Madrid (commitment 4)<sup>23</sup>. However, this did not happen in practice. Under commitment 1, neither the named CSO partners nor the Municipal Office against Fraud and Corruption reported any type of engagement or interaction during the implementation period<sup>24</sup>. With regards to commitment 2, there was no consultation or participation process to identify the needs and/or to define the information to be included in the webportal Madrid in Data, despite this being a specific milestone in the commitment. In the case of Commitment 5, two public consultations were held on the City Observatory – one prior to its

establishment<sup>25</sup> and one prior to its subsequent repeal<sup>26</sup> - following legal requirements<sup>27</sup>.

<sup>1</sup> [https://www.opengovpartnership.org/wp-content/uploads/2021/08/Madrid\\_Design\\_Report\\_2018-2020\\_for-public-comment.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/08/Madrid_Design_Report_2018-2020_for-public-comment.pdf)

<sup>2</sup> OCDE "Catching the deliberative wave: Innovative citizen participation and new democratic institutions" <https://www.oecd.org/gov/innovative-citizen-participation-and-new-democratic-institutions-339306da-en.htm>

<sup>3</sup> Ayuntamiento de Madrid, *Acuerdo del Pleno, de 29 de enero de 2019, por el que se aprueba el Reglamento Orgánico del Observatorio de la Ciudad*. Published in the Boletín Oficial de la Comunidad de Madrid, BOCM n.27, 1st February 2019. <https://bit.ly/34jl2jH>

<sup>4</sup> The lottery can be seen on YouTube: <https://bit.ly/3yLCLj1>. Press release: *El Observatorio de la Ciudad ya tiene 49 vocales elegidos por sorteo*, Ayuntamiento de Madrid, 12/03/2019,; <https://bit.ly/3yEQ8Be>

<sup>5</sup> See footnotes 5, 6 and 7 for the minutes of the sessions.

<sup>6</sup> Dirección General de Transparencia del Ayuntamiento de Madrid, *Memoria de análisis de impacto normativo de la derogación del Reglamento Orgánico del Observatorio de la Ciudad*, p.2: <https://bit.ly/3wA80LK>

<sup>7</sup> General Directorate of Citizen Participation of the Madrid City Council, Report on the result of the public consultation for the repeal of the City Observatory, Available at: <https://bit.ly/3wwEM0o> [accessed 05/25/2021]. The analysis of the synthesis of the most supported comments shows that the majority of citizens that participated supported the maintenance of the Observatory as a space for citizen participation.

<sup>8</sup> Ayuntamiento de Madrid, *Acuerdo de 25 de febrero de 2020 del Pleno por el que se aprueba el Reglamento Orgánico por el que se deroga el Reglamento Orgánico del Observatorio de la Ciudad*, publicado en el Boletín Oficial de la Comunidad de Madrid, BOCM n. 8.591, 27 de febrero de 2020. Disponible en: <https://bit.ly/3fRykKS>

<sup>9</sup> For more information on the Consejo Social de la Ciudad, visit <https://www.madrid.es/portales/munimadrid/es/Inicio/El-Ayuntamiento/Espacio-asociativo/Organos-de-participacion/Consejo-Social-de-la-Ciudad/?vgnnextfmt=default&vgnnextchannel=86ee9271cd0d9710VgnVCM1000001d4a900aRCRD>

<sup>10</sup> According to Article 23 "Activity Register" of the National Security Scheme (RD 3/2010).

<sup>11</sup> Experts consulted include Ximona Levi (X-Net), David Martínez García (Executive Director Transparency International Spain). For more information on the available technology and data on the whistleblower protection, anonymity see the report *Expandiendo tecnología de anonimización en Europa* produced by Blueprint for Free speech and FIBGAR (Spanish) ([https://static1.squarespace.com/static/5e249291de6f0056c7b1099b/t/60fee0eeadca8478bb758b21/1627316470324/Expandiendo+Tecnologia+De+Anonimizacion+En+Europa\\_EAT.pdf](https://static1.squarespace.com/static/5e249291de6f0056c7b1099b/t/60fee0eeadca8478bb758b21/1627316470324/Expandiendo+Tecnologia+De+Anonimizacion+En+Europa_EAT.pdf))

<sup>12</sup> Minor contract with file number 2021NCM024: <https://datos.madrid.es/egob/catalogo/300253-15-contratos-actividad-menores.xlsx>

<sup>13</sup> Minor contract with file number 2021NCM028 (<https://datos.madrid.es/egob/catalogo/300253-15-contratos-actividad-menores.xlsx>)

<sup>14</sup> <https://transparencia-covid19-madrid.hub.arcgis.com/>

<sup>15</sup>

<https://madrid.maps.arcgis.com/apps/webappviewer/index.html?id=6f4533df3a9c409ea51198f46038f17d&extent=-424842.4715%2C4916890.8487%2C-390827.9939%2C4936535.165%2C102100;>  
<https://madrid.maps.arcgis.com/apps/dashboards/106a04bfd00e466a9d03a222041e2d7a;>  
[https://geoportal.madrid.es/IDEAM\\_WBGEOPORTAL/visor\\_ide.iam?ArcGIS=https://sigma.madrid.es/arcgisportal/rest/services/OBRAS/MPOBRAS\\_ASFALTO/MapServer.](https://geoportal.madrid.es/IDEAM_WBGEOPORTAL/visor_ide.iam?ArcGIS=https://sigma.madrid.es/arcgisportal/rest/services/OBRAS/MPOBRAS_ASFALTO/MapServer)

<sup>16</sup> Last version updated of the initial project portfolio 2021 Madrid City Council IT 18 February 2021 (published on the municipal intranet)

<sup>17</sup>

[https://www.madrid.es/UnidadWeb/Contenidos/RC\\_Valdemingomez/Publicaciones/Sentencia65\\_2020.pdf](https://www.madrid.es/UnidadWeb/Contenidos/RC_Valdemingomez/Publicaciones/Sentencia65_2020.pdf)

<sup>18</sup> Interview with Antonio Relaño, PoC, on 27 May 2021

<sup>19</sup> Interview with Antonio Relaño, PoC, and Lydia Navarro, Deputy General Manager of Waste Collection, on 20 September 2021 and information provided in written form to the researcher on September 24 2021.

<sup>20</sup> <https://www.opengovpartnership.org/documents/madrid-design-report-2018-2020-for-public-comment/>

<sup>21</sup> <https://www.madrid.es/portales/munimadrid/es/Inicio/El-Ayuntamiento/Gobierno-abierto/?vgnnextfmt=default&vgnnextchannel=c573c98a1df4b410VgnVCM100000171f5a0aRCRD&vgnnextoid=c573c98a1df4b410VgnVCM100000171f5a0aRCRD>

<sup>22</sup> Information provided by Patricia González and Helen Darbishire of Access Info Europe.

<sup>23</sup> <https://www.opengovpartnership.org/documents/madrid-spain-design-report-2018-2020/>

---

<sup>24</sup> The IRM consulted Filtrala, Access Info Europe, Fundación Ciudadana Civio, Transparencia Internacional España. Access Info Europe, Fundación Ciudadana Civio, Transparencia Internacional España responded and confirmed that no engagement took place.

<sup>25</sup> Ver proceso de Consulta Pública sobre el Reglamento Orgánico del Observatorio de la Ciudad en la web de Decide Madrid entre los días 17 y 24 de septiembre de 2018. Disponible en: <https://bit.ly/3wyHDps> [consultado el 25/05/2021]

<sup>26</sup> Ver proceso de Consulta pública previa sobre la derogación del Reglamento Orgánico del Observatorio de la Ciudad en la web de decide Madrid Disponible en: <https://bit.ly/34wDXsF> [consultado el 25/05/2021]

<sup>27</sup> Law 39/2015, of October 1, 2015, on the Common Administrative Procedure of the Public Administrations (LPAC), regulates in Article 133 the Public Administrations (LPAC), regulates in its article 133 the participation of citizens in the procedure of the procedure for the elaboration of rules with the status of Law and regulations.