

Supporting the Development of e-Democracy in the EU Eastern Partner Countries

Non-Paper by Austria, Czech Republic, Estonia, Finland, France, Germany, Italy, Poland, Lithuania, Romania, Slovenia, and Sweden

Introduction

The aim of this non-paper is to provide policy guidelines to support the development of e-democracy in all six EU Eastern Partner countries. This non-paper is originally based on an Estonian academic study on *'E-Democracy in the Eastern Partnership Countries'*¹ compiled in close cooperation with experts of the Eastern partner countries, which evaluated their developments in e-democracy and presented a way forward.

The initial non-paper has been revised based upon the proceedings of the EaP eDemocracy Conference of 23 October 2018 on *'Politics in the Digital Age: 'How can eDemocracy enhance participation, inclusion, transparency and accountability?'* (Krems, Austria), the EaP meeting of ministers responsible for justice and home affairs of 13 July 2018 (Innsbruck, Austria) and the e-Justice Conference with participation by representatives of Eastern partner countries of 5/6 December 2018 (Vienna), and upon contributions from the Member States' Ambassadors / Envoys for the EaP.

The development of good governance in the EaP region is one of the top priorities for the EU as identified in the '20 Deliverables for 2020' document agreed upon at the 2017 EaP Summit. Issues of digitalization are integrated in two of the 20 "deliverables". e-Democracy forms an integral part of modern governance and its development should be a cross-cutting theme across policies and a joint effort involving all stakeholders.

The digital age has transformed societies, and the EU Eastern partner countries are confronted at the

same time with state- and nation-building, democratization and digitalisation. All of them are on their individual way of making use of ICTs for administration, governance and democracy. "Western" countries and the Eastern partner countries, however, are facing similar issues and challenges when using digital tools to enhance democracy, in order to combine online and offline communication effectively, trying to increase citizen participation by citizens, using Artificial Intelligence, or dealing with the problems created by trolling and "fake news". All countries are at some transit stage towards achieving a digital world and in terms of their eDemocracy development, with the need to address several challenges on issues such as political communication in the digital sphere, transparency and accountability of government activities as well as stakeholder involvement.²

What is e-Democracy?

The essence of e-democracy lies in the support and enhancement of democratic processes and democratic institutions by means of technology. It offers citizens an additional opportunity to participate in political processes. It broadens the political debate and leads to better and more legitimate political decisions. E-democracy may also help to tackle existing democratic challenges³. E-Democracy is not a panacea, it can neither be an end in itself nor should it replace traditional democracy,⁴ but has great potential to enhance and amplify existing democratic processes.

¹ The full study report can be found at https://issuu.com/e-governanceacademy/docs/ega_e-dem_cyber_final_web

² Summary of the Eastern Partnership eDemocracy Conference, Danube University Krems, 23 October 2018, at <https://digitalgovernment.wordpress.com/category/knowledge/>

³ Council of Europe (2009) Recommendation CM/Rec(2009)1 of the Committee of Ministers to member states on electronic democracy (e-democracy),

https://www.coe.int/t/dgap/democracy/Activities/GGIS/CAHDE/2009/RecCM2009_1_and_Accomp_Docs/Recommendation%20CM_Rec_2009_1E_FINAL_PDF.pdf; explanatory memorandum: https://www.coe.int/t/dgap/democracy/Activities/GGIS/CAHDE/2009/RecCM2009_1_and_Accomp_Docs/6647-0-ID8289-Recommendation%20on%20electronic%20democracy.pdf

⁴ Summary ..., *supra*

Contrary to, e.g., eGovernment, eAdministration, and public eServices, eDemocracy deals with

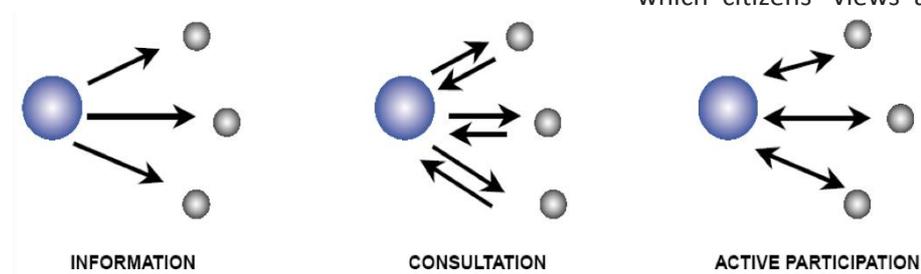


Figure 1. Defining and Participation (Source: OECD, 2001)

essential properties of democracy.⁵ Areas encompass e-parliament, e-legislation, e-justice, e-mediation, e-environment, e-election, e-referendum, e-initiative, e-voting, e-consultation, e-petitioning, e-campaigning, e-polling and e-surveying; it makes use of e-participation, e-deliberation and e-forums.

In order to address government-citizen relations, this non-paper refers to one of the most commonly used conceptual frameworks of democratic participation and citizen involvement in policymaking, which originates from OECD report *Citizens as Partners* (2001)⁶ (Figure 1). It states that democratic political participation should involve the means to be informed (information), the mechanisms to take part in the decision-making (consultation) and the ability to contribute and influence the policy agenda (participation).

When these concepts are transferred to the realm of ICT, one can refer to the following interactions:

- **Online provision of information (e-information):** a one-way relation in which government produces and delivers information in its online channels for public use by citizens. It covers both “passive” access to information upon demand by citizens and “active” measures by government to disseminate information to citizens.

- **e-Consultation:** a two-way relation in which citizens provide feedback to government using online tools. It is based on the prior definition by government (possibly induced by a citizens’ initiative or [e-]deliberations) of the issue on which citizens’ views are being sought and

requires the provision of information. The most binding and formal kind of e-consultation is e-voting and i[n]ternet]-voting.⁷

- **Active e-participation or e-partnership:** It acknowledges a role for citizens in proposing agendas and policy options, shaping the policy dialogue, co-deciding and making decisions.

The pragmatic approach towards implementation of e-democracy and citizen-government interactions in ICT era should be emphasised. Every interaction is equally important. Hence, in contrast to either pyramid or linear visualization, they are presented here in a circular form,



Figure 2. Government-Citizen Relation in ICT Era

where these relations can be seen as a continuous process: citizens are constantly receiving new information while being consulted or asked for their proposals.

⁵ Summary ..., supra

⁶ OECD (2001) *Citizens as Partners*.

⁷ ref. standard-setting and practical work on e-voting by the Council of Europe and the OSCE

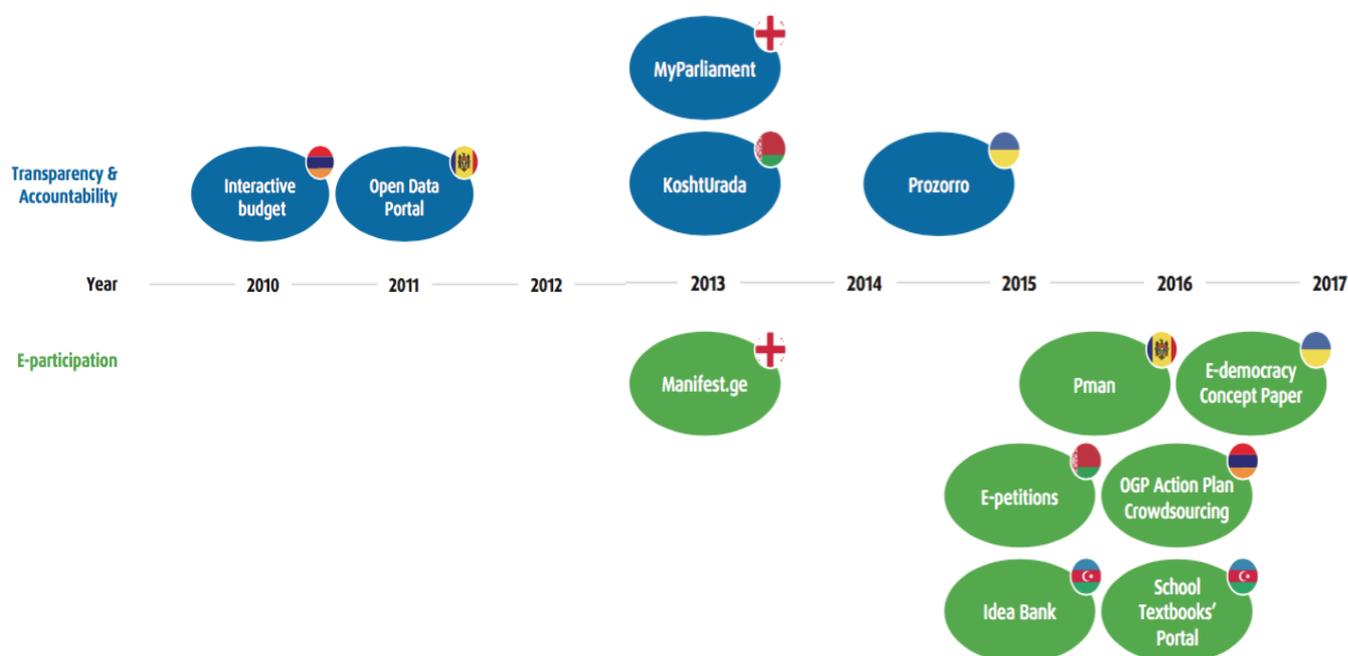
The provision of information online (both passive and active) strengthens such democratic values as openness, **transparency and accountability**,⁸ while e-consultation and e-partnership strives to engage citizens in the decision-making processes serving the value of citizens' **participation**. E-

partnership is thus considered as the most valuable reflecting the citizens-government collaboration, where both parties are equal partners searching for the best solutions for challenges of the modern societies.

e-Democracy Showcases in the Region⁹

The case study looked at the initiatives that aim to engage citizens in deliberations, making proposals and participating in the decision-making. It highlights not only specific e-tools or platforms created, but also processes of e-engagement in

the elaboration of regulatory framework, as well as gathering citizens' ideas for the improvement of public services. Details on the cases are to be found in the study itself. Here, a graphic overview on them is presented:



In addition to these e-democracy showcases, the Eastern partners can pride themselves also of other notable e-democracy showcases, be it tools of eAccess-to-public-information, eJustice, eLegalEvidence, e[Wealth]Declaration, eIntegrity, eSelection-of-judges, eProcurement and eTender, be it national concepts and plans on eDemocracy, or be it a number of Open Government Partnership initiatives.¹⁰

⁸ The EU e-Government Action Plan 2016-2020 lists the principles of openness and transparency as the underlying ones for future initiatives of e-government development.

⁹ can be updated upon receipt of new information
¹⁰ Summary ..., *supra* – on OGP *ref. infra*

Drivers and Barriers of e-Democracy

General drivers of e-Democracy are, *inter alia*, government and public interest, legislation and regulations, new ICT and ICT-readiness, adequate resources, a well-developed civil society and systems to enhance democracy.

General barriers to e-Democracy can take many forms and be political, legal, organisational, technological, economic, financial, social or cultural. Challenges facing e-democracy include ensuring that citizens and politicians are willing and able to engage in democracy by electronic means and have confidence in those means, closing the digital and social divides, responding to new forms of communication and new media, developing appropriate and reliable technology and making it generally available, developing expertise, and making timely agreements on appropriate expert regulation. Barriers to e-democracy include, on the supply side, differing understandings of democracy, a lack of resources, organisational constraints and structural limitations, and, on the demand side, the differing interests of the various stakeholders and their misgivings. Risks attached to e-democracy stem from technical and political misuse, undemocratic use and denial of the decision-making opportunities provided by ICT.¹¹

In the region, Open Government Partnership (OGP) initiative has clearly played an important role in fostering e-democracy in most countries of the region that joined the initiative, and some of these countries developed keen interest and action in this field. **Georgia** was *lead co-chair* of the OGP and hosted the OGP Global Summit in July 2018. The vast majority of governmental commitments in the EaP's Eastern region related to e-democracy derive from OGP Action Plans that undergo independent international monitoring and evaluation. From this perspective, **OGP can be regarded as a "soft pressure" mechanism** as well as a driver at least to the extent of fostering the "kick-off" process of e-democracy development in the EaP's Eastern region. Also, a good practice of building multi-stakeholder **partnerships** should be stressed. This gradually growing acknowledgement of collaboration is witnessed in **Ukraine** and **Moldova**. The emerging partnership mind-set has implications for both intra-sectorial collaboration as well as cooperation between different sectors of society. For instance, building coalitions of NGOs around certain issues proved to have bigger impact as exemplified in the case of Ukraine. Last, but not least, as clearly stressed in the case of ProZorro initiative, the **"golden triangle of partnership"** – civil society, business and government – is one of the most important keys to success. Finally, it has to be stressed that **local level activism** plays an essential role in boosting general e-activism in a society, since local level is the closest link between citizens and the state. The high potential of local level initiatives to advance the implementation of e-democracy was observable in all countries in the region.

As to the **barriers and challenges** that Eastern partner countries currently face in the realm of e-democracy, the study revealed that there is **a lack of comprehensive national surveys** in regards to e-governance development and e-readiness in general in Eastern partners' region as well as the lack of sustainability in the measurement activities. Furthermore, there is still a lot to be done **in** all Eastern partner countries for the enhancement of the understanding, what is the purpose of e-democracy instruments and what impact they might have. **Despite the existence of numerous e-democracy tools, the low level of "e-democracy literacy" is evident in all countries in the region.** Hence, one of the barriers is lack of **civic education**, which could potentially become a driving force to boost the participation of the civil society. Also, there is the strong need to make the results of the international support projects (e.g. good governance projects) visible as well as understandable for the ordinary citizens. This could be addressed through the general education on the issues of corruption and manipulation with the power.

Besides civil society, it is partly the role of journalists to be democracy watchdogs and analyse the performance of government. In most of the Eastern partner countries, in **Azerbaijan and Belarus** in particular, one of the most important groups to conduct target trainings with are journalists, the

¹¹ CoE Recommendation, *supra*

investigative journalists in particular. In **Ukraine**, on the other hand, there seems to be a critical mass of journalists working with investigative focus and using the open data. However, it is important to stress that, in creating any new e-tool or platforms, using open data for analysing the performance of different actors, it is essential to adhere to rules and regulations of privacy and personal data protection. Violation of these destroys the trust of citizens in e-democracy tools.

Likewise, **targeted training in the governmental sector** in terms of using ICTs for enhancement of democratic processes is essential. For instance, among the core competencies of the public servants that need special attention, is the knowledge of the legal framework regulating the transparency in the decision making; clear understanding of the concepts of e-Participation; Open Data as well the link between Open Data and transparency; awareness about different e-consultation and e-participation platforms and mechanisms available.

As the study indicated, **the majority of e-democracy tools fall into the category of transparency and accountability**, and only a handful of them strive to enhance participation. Hence, there is an imbalance in terms of the implemented stages of e-democracy: e-information and e-consultation are clearly dominating the e-democracy implementation in the region. Similar tendency is observable at the strategic level.

The low level of enforcement of existing legislation as well as weak institutionalized mechanism and regulation of e-participation constitute substantial barriers of e-democracy coherent implementation in the region. Bringing e-governance issues under subordination of higher executive levels could be beneficial. The State Agency for Electronic Governance of **Ukraine** sets an important precedent establishing a strategic framework and a mandate for e-democracy development at the national level.

One of the barriers referred both by government representatives and by civil society representatives in various countries, is general passiveness and low interest in participating in decision-making process. Establishing clear mechanism of keeping track of gathered feedback as well as of ensuring the authorities' public response to citizens' feedback could be beneficial.

Finally, **the importance of "offline" activities** and tools and their integral role in the development of e-democracy it to be underlined. (Some persons may, because of different reasons, not be able to use e-tool in a foreseeable period.¹²) It should be kept in mind that **online and offline spaces complement each other**, and, hence, their combination is necessary for efficient civic engagement to take place. This was most evident in the initiatives of **Moldova** and **Armenia**.

It should be remembered that technology is not a magical wand to boost transparency and civic participation, but is merely supportive to existing democratic practices.

Recommendations for the Eastern Partnership

- To further include eDemocracy into EaP deliberations and events.
- To include eDemocracy into the next work programme of Platform 1.
- To encourage and support further EaP conferences on eDemocracy.
- To include eDemocracy in the EaP roadmap beyond the year 2020 (the follow-on document to the '20 deliverables for 2020').

General Recommendations for the Region

- All stakeholders should remember that ICTs are instruments at the service of democratic processes and in particular of citizens. They are the tools that enable societies to advance and "deepen" democracy.

¹² notwithstanding the special options of e-democracy for persons with special needs

Hence, “offline” activities should be upheld in parallel to e-processes. It is the combination of online and offline tools that contributes to the emergence of successful participatory practices.

- As e-democracy can be introduced by any stakeholder. All stakeholders should consider making use of the opportunities provided by e-democracy, and foster and initiate such opportunities. When e-democracy measures are devised, all possible stakeholders should be involved and their interests taken into account at an early stage.
- ICT based eGovernance and eDemocracy need to go hand in hand with traditional democracy and decision-making processes, and must not only involve experts, citizen representatives and citizens, but also ensure that people are able to use digital tools effectively, to understand the decision-making process and be informed on the results gained.
- All stakeholders should cooperate in the work on the elaboration of thorough and comprehensive overview of available and planned e-democracy instruments in order to build a “menu” of different tools that both civil society and government could be using.
- All stakeholders should uphold the principles of open and transparent government, as suggested by the OGP, by increasing the availability of information about governmental activities, supporting civic participation, and increasing the access to new technologies for openness and accountability. Joining and deepening engagement in the OGP is suggested to partner countries.
- As ICT in government and beyond can be used in order to achieve diverging aims, when implementing e-democracy measures, the goals of e-democracy – which are similar to those of good governance – should be borne in mind: transparency, accountability, responsiveness, engagement, deliberation, empowerment, inclusion, accessibility, participation, subsidiarity, trust in democracy, democratic institutions and democratic processes, and social cohesion.
- Civil society and its organisations – supported by media (for publicity and other reasons) - should be given free and ample space and be supported for proposing, shaping, testing and implementing e-democracy measures.
- Opportunities of e-tools to provide participation in minority languages, by persons with special needs and by persons physically or otherwise distant from democratic processes (including those living abroad) should be fully used.
- In order to create trust by civil society in e-processes and to enhance their use, independent external certification and auditing should be resorted to, where security and safety issues are important.
- All stakeholders should engage in international co-operation and exchanges of practices and views on e-democracy, and to respect and implement international standards on e-democracy.¹³
- In order to create trust and experience, before going for “high-end” e-tools (*e.g.* nation-wide i-elections), local and less critical e-democracy tools should be proposed, tested and implemented.
- Local level activism should be encouraged and nurtured. It plays an essential role in boosting general e-activism in a society being the closest link between citizens and the state.
- Public awareness and e-literacy campaigns should be conducted across the country with the aim of a broad e-inclusion in order to tackle the low usage of e-democracy instruments. Also, strong brands around e-democracy tools demonstrating its benefits should be created.
- Targeted training in the governmental sector in terms of using ICTs for enhancement of democratic processes is essential.
- Government should also acknowledge the close relationship between e-democracy and (good) e-governance, and actively reduce barriers to its implementation, as well as underpin its developments with clear citizen-centred strategic and legislative frameworks and roadmaps, which have to uphold pluralist and participatory democracy, functioning and credible democratic institutions and processes, effective human and minority rights, and a transparent rule of law.

¹³ The most comprehensive and binding being the CoE Recommendation, *ref. supra*.

Country-specific Recommendations¹⁴



Armenia

- Armenia has a variety of e-solutions with rather low usability. Still a lot has to be done in the **public awareness domain**; also, elaboration of thorough and comprehensive overview of the e-democracy tools created.
- The experience in **governance innovation** (e.g. pop-up innovation labs in gov) should be promoted and encouraged further.
- The area of **open data** requires more in-depth understanding by all sectors of the society. The capacity of institutionalised civil society to use the potential of technologies as well as existing open data in a transformative way should be addressed. The IT community that has to be stimulated to be part of the social innovation developments. Attention has to be paid to the regulations on data protection.
- It is vital to encourage the adaptation and adjustment of new solutions **to the local needs**. There should be a pragmatic tandem between the donor and the government enabling piloting of new projects before having large-scale implementation.



Azerbaijan

- The support for the **monitoring of public information provision** is recommended. The enforcement of the Law on Access to Information, which was adopted in 2005, could be monitored by an institution of Ombudsman of Information.
- The support for **local governments** in the area of provision of information via official webpages is suggested (e.g. the development of a webpage template with predefined structure of information).
- Clear **monitoring** mechanism on the usability of and access to **e-services** is needed in order to enable the citizens to use the full potential of e-services that already exist as well as to design the new ones.
- The emphasis should be put also on the more **homogenous development of e-services**. Currently the accessibility and quality of these is variable.



Belarus

- There is the need for **amendments in the legislative framework** on the access to public information and data protection that would consider the developments in the field of ICTs.
- **NGOs** should use more intensively new mass media in order **to promote the topic to the wider audience**. It is also essential to teach NGOs about the proper structure and implementation of e-participation initiatives.
- It is recommended to enhance networking activities and engage the Belarusian analytical community (e.g. experts, researchers, think tanks) in **advocacy campaigns**. Donors' community, international organisations and development agencies are encouraged to initiate joint thematic activities for experience sharing and networking.
- The **local level initiatives** might be the best way to approach the advancement of e-democracy in Belarus. The potential for further developments could be feasible via e-consultation activities about tangible issues, such as city spatial planning.

¹⁴ can be updated upon receipt of new information



Georgia

- The predominance of e-democracy instruments focusing on **transparency and accountability** is observable. More e-participation tools are needed (e.g. the e-petitions platform - ichange.gov.ge).
- There is the clear need for a modern stand-alone act of freedom of information, addressing among others **the topic of disclosure of public sector data**. Also, the establishment of oversight authority that would monitor and ensure the enforcement of the corresponding legal provisions is recommended.
- Training in the governmental sector** (both at the local and national level) on the topic of using ICTs for enhancement of democratic processes is essential. Advancing the knowledge of public servants on the legal framework regulating transparency of the decision-making, on the concepts of e-participation and open data, as well as building awareness about different e-consultation and e-participation platforms and mechanisms.



Moldova

- The e-Government Center is involved in various **open data** projects enabling to open numerous datasets. Better understanding and awareness of the potential of open data is recommended.
- Raising awareness and understanding by the authorities and civil society on the **issues of corruption and manipulation with power**. Improvement of quality of civic education is needed.
- Collaboration mechanisms** between the government and the CSOs have to be reinvented/improved. The National Participation Council does not prove to be effective communication channel between different stakeholders.
- The activities of the e-Government Center that **focus on gathering the feedback from the citizens** need further support and encouragement. More specifically, these include such undertakings as annual public perception surveys that provide valuable inputs from year to year on what the citizens actually want (e.g. services prioritization, trust in virtual space).



Ukraine

- In the governmental sector, the **institutionalisation of e-democracy** has to take place, i.e. the creation of relevant departments and the allocation of human and financial resources for them. The State Agency is currently taking the coordinating role in this area, however, other governmental institutions also have to be involved.
- The massive energy of Maidan revolution resulted in the institutional and instrumental fragmentation in the field of e-democracy. **The holistic governmental approach in the area of e-democracy** is now gradually being developed through the development of e-Democracy Concept Paper. This direction and single vision should be encouraged further.
- The active civil society** of Ukraine should continue performing its proactive role in the development of e-democracy.
- All e-democracy initiatives have to be accompanied by awareness-raising campaign and trainings. Implementation of **concrete community projects** where different stakeholders are working towards common agenda could create **the culture of dialogue**.