

3. (Dis)Connected Citizenship? Exploring Barriers to eConsultation in Europe

Background

Facilitating the involvement of different sections of society in the process of government is now seen as a democratic prerequisite in many advanced liberal democracies, with some commentators such as Fishkin (1995) highlighting the need for 'mass deliberation', and emphasising the need for people and their representatives to be brought together to collaborate on issues of mutual interest.

The emergence of the European Union as a policymaking and legislative body has opened up the question of the extent to which Europe constitutes a transnational public sphere in which citizens can debate and participate (Scharpf 1999) and many writers point to a democratic deficit at core of the legitimacy problems of the European Union (Peters et al. 2005) that scholars have attributed not only to the institutional weaknesses of the European Parliament but also to the limited 'Europeanisation' of public discourse in comparison with nation states. Within nation states too, the growing importance of network and collaborative forms of governance brings into question the centrality and authority of representative institutions (Sterling 2003), and it is fast being recognised that in order to promote greater inclusiveness, efforts must be made to better connect citizens within the networks of government, counting them as legitimate participants in the policy-making process.

Increasingly, eGovernment has been viewed as one way to facilitate a more inclusive process of participation in Europe, using Information and Communication Technologies (ICTs) to complement and reform existing political processes. In particular, the rapid proliferation of such technologies and growing Internet penetration across Europe has raised important questions and triggered debates about who is able to participate and to what extent they may do so, as well as dealing with the types of participation such technologies make possible at different levels of government and their impact on different government processes. Barber (1984), for example, in arguing for a 'strong democracy' through the creation of active citizen participation where none had previously existed, warns that the use of technology might result in a diminished sense of personal interaction. Still others see information technologies as having the potential to renew political participation, better connect citizens and political elites, and allow for a reinvigoration and reinvention of current democratic institutions and practices through the restructuring of the networks of communicative power and the creation of a more politically informed and active public (cf. Hague and Loader 1999, Dutton 2004). In particular, citizens are able to employ ICTs to reconfigure access to individuals and groups in order that they might discuss issues, organise campaigns and seek to influence public policy, thereby restructuring the politics of who gets access to politicians and governments, as well as to whom politicians and governments can reach their messages (Dutton 2004).

The shift in thinking about eGovernment from being a technology-driven process to being more citizen-focused, and the recognition of a need to promote greater inclusiveness in decision making processes, can be seen in the priorities of the i2010 eGovernment Action Plan (European Commission, 2006) and the 2007 Ministerial Declaration. Indeed, in recent years there has been an emergence of concrete policies for eDemocracy in many European countries (Millard, 2007). A notable example is the United Kingdom where several eDemocracy projects are publicly funded and both Parliament and the Government have outlined sets of policy principles on the subject. One such set of guidelines, a consultation paper issued by the UK government in July 2002 (HM Government, 2002), sets out a clear policy agenda for eDemocracy and contains a detailed but useful division of the concept into two distinct areas – eEngagement (or eParticipation), which emphasises opportunities for greater consultation and dialogue between government and citizens, and eVoting. eEngagement as a policy, if defined by an express intent to increase the participation of citizens in decision-making through the use of digital media, would consequently involve the

institutionalised provision of resources to facilitate the responsible and collaborative decision making resulting ultimately in institutional and social change. Whilst the earliest speculations about the Internet and democracy emphasised the potential for direct, unmediated democracy (OECD 2001) and the transformative nature of the process of public engagement, this report follows the view of scholars such as Coleman and Gotze (2001) that whilst eDemocracy is incompatible with a political culture of elitism it is not about replacing what has evolved so far, and rather than seeking to radically transform governance along any particular ideological line, it seeks to complement the institutions and processes of representative democracy (Coleman and Gotze 2001).

eConsultation: two-way governance in the digital age?

A long-established way of engaging citizens in dialogue with policy makers is that of Consultation (OECD 2001), where citizens are given the opportunity to provide feedback to government and participate in the shaping of issues relevant to them. Whilst there is a need for consultation at several different stages of the policy process (Rosen 2001), the process of consultation has traditionally involved discussion based around a pre-determined policy issue defined by the government during its initial formative stages, on which citizen's views and opinions are then sought. The government also sets the questions and manages the process, and only in rare cases, are citizens invited to suggest issues for discussion which they as citizens might consider particularly important. This type of eDemocracy thus encompasses 'a continuum of consultation', ranging from low level information gathering and aggregation towards a fuller quasi-deliberative level of interaction.

At the core of the consultative process lies the provision of information and the establishment and maintenance of channels of communication between government and its citizens. The use of ICTs in the consultative processes is gradually catching on as their potential to allow policy makers to interact directly with service users and target the opinions of those at whom a policy is aimed at is being recognised. The speed and immediacy of ICT networks allow people to communicate, give feedback, ask questions, complain, exchange information effectively and build relationships with their representatives. Governments also benefit from the information obtained by using it to facilitate better policy making and administration. General guidelines for 'conventional' written consultation are already in place in most of the Western world, and these are now being used as a basis for eConsultation (OECD 2003).

That said, the consultative model is not without its problems. Despite contrary claims from scholars such as Rash (1997) and Bimber (1998), this model is sometimes presented as facilitating direct, unmediated access to government by special interest groups that may distort opinion on particular issues. Information gathered from the consultative process is usually regarded as a passive resource, largely due to the fact that communication by direct question-asking is based on the need to generate quantifiable and comparable responses to particular policy innovations. The result is that the consultative model may only allow for inputs that fit within parameters already set by policy makers, and there is a danger that opinions which question the necessity or legitimacy of a policy or otherwise be outside of pre-defined issues, may be deliberately marginalised or excluded altogether, particularly if discussions are 'moderated'.

Since 1992, a wealth of online applications have emerged which have transformed the original purely text-based read-medium of the Internet into one that supports dynamic and modifiable rich-media content. While these technologies are used most extensively in a consumer and leisure context, some are beginning to make inroads into the political arena, and are making an impact in the political context. In comparative terms, they are still to be taken seriously as tools for facilitating greater public participation. In the Digital Dialogues study conducted by the Hansard Society (2006), three categories of applications were identified according to their frequency of use by government. First, *frequent-use technologies and applications* are already used by government in its day-to-day functioning, such as email, online forms, online polls, online surveys, mailing lists, and newsgroups asynchronous bulletin boards. Second, *occasional-use technologies and applications*, such as *blogs, forums and instant messaging* are occasionally used by government to engage the public,

although governments and politicians are still coming to grips with their use. Third, *rarely used technology and applications* have potential to engage citizens, particularly younger generations who use them in already in a leisure context, but they are currently rarely used in policymaking and to foster public participation. For example, file-sharing, virals, wikis, online games, mashups, budget policy simulations, social networking sites, virtual online environments and MMORPGs and chat-bots.

The embedded case studies

Despite the great hype surrounding the use of the Internet and other technologies in recasting democratic processes and involving citizens in policy consultations, there are still relatively few examples of such initiatives in any one country. Of the projects undertaken in Europe, initiatives are often experimental, where government bodies focus on combining the consultation model with the use of the information technologies in an attempt to make representative democracy more effective. Examples of such projects range from local initiatives, such as municipal planning consultations in Germany and Sweden to national projects, such as the Estonian Government's portal where citizens can propose new laws, to pan-European Union endeavours such as those set up under the aegis of the European Commission.

The following discussion examines specific instances of eConsultation in different countries across Europe of technology being used to involve citizens in policy processes, and in doing so, explore the factors that might hinder or enable the successful implementation of eConsultation projects. In particular, it hopes to investigate the legal and institutional foundations of potential barriers to eConsultation and to assist the Breaking Barriers project team in exploring these issues in-depth; in order to develop a set of recommendations for overcoming such barriers.

That said, the case accounts presented in this paper are not necessarily examples of best practice nor are they held up because of their limitations. Selected through a process of sifting through relevant project documents and by interviewing and consulting with specialists in the field, they have been chosen for, and discussed as, being innovative and (often) pioneering efforts by government bodies to use digital technology to recast and reinvigorate democratic processes within their respective spheres of influence.

The selection of the case studies has been guided by categorising eConsultation initiatives along 3 dimensions: the duration of the consultation, the level of the participating government organisation, and whom the consultation is targeting. The three categories are discussed briefly below.

Duration: eConsultation can be divided into three categories according to the length of time that they last for:

- **Long Term Consultations:** include those consultation initiatives which were either specifically set up as long-lasting initiatives or which became permanent initiatives after an initial trial period. Such initiatives seek citizen feedback on highly topical issues as they arise and are not bound around a particular political event or occurrence like an election. Long term eConsultation initiatives include the Bristol City Council (UK), Madrid Participa (Spain), Iperbole (Italy), Otakantaa (Finland), Tana Otsustan Mina (Estonia), ProjektDemokratie (Germany), The Scottish Parliamentary Initiative (UK), Toute l'Europe (France and the European Commission) and Your Voice in Europe (the European Commission).
- **Short Term Consultations:** include those initiatives which seek citizen opinions about specific political events or during a designated fixed period of time. These initiatives are thus intentionally short-term, are focused on getting citizen input for a specific purpose, and come to a close once the event or time period is over. Short term eConsultations include The City Planning Commission of Kalix (Sweden), The City of Esslingen (Germany), Energy Technology Futures (Canada), Digital Administration Programme – the Democracy Project (Denmark) and The Future of Food (European Commission).

- One-off Consultations: are highly specialised issue-based eConsultations which are held on an ad hoc basis for a fixed period of time. Such consultations tend to be used by government as a means of gathering information from a well-defined target group on a specific and often pressing issue and, of the three types of consultation discussed so far, are likely to have the most visible impact on government policy. Initiatives include the Online Parliamentary Inquiry into Domestic Violence and FloodForum.net (both UK-based).

Level of Government: Case studies were also classified according to the level of government at which they were implemented. That is, at the local government level, at the level of national government and at the regional or pan-European governmental level.

- Local Government. eConsultation initiatives at the level of local government explored in this study include the Bristol City Council (Bristol, UK), Madrid Participa (Madrid, Spain), Iperbole (Bologna, Italy), The City Planning Commission (Kalix, Sweden), and 'media@komm: The City of Esslingen' (Esslingen, Germany).
- National Government. The case studies used to explore eConsultation initiatives began within national government ministries and associated institutions. Examples include Otakantaa (Finland), Tana Otsustan Mina (Estonia), ProjektDemokratie (Germany), The Scottish Parliamentary Initiative (UK), and Energy Technology Futures (Canada).
- Regional / Pan-European Initiatives. Examples of such initiatives include Toute l'Europe (based in France), The Future of Food (a joint initiative between the German and Dutch Ministries of Agriculture) and Your Voice in Europe (the European Commission).

Nature of the Target Audience:

- eConsultation initiatives can also be categorised and discussed according to their target audience. While the majority of these initiatives are concerned obtaining feedback from the general public on a variety of issues, a small number (such as the UK parliamentary consultations on Domestic Violence and Flooding) seek to obtain specific information from a carefully targeted, often specially selected group.

Utilising this framework three case studies were selected to explore in detail. They were: Madrid Participa (at local government level), The No 10 Downing Street ePetitions Initiative (national government), and Your Voice in Europe (European level). Each of these initiatives are discussed in turn below

Case study: Madrid Participa: A Local Government eVoting Pilot

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Definition of the Case Study

The Madrid Participa initiative (Barrat and Reniu 2004; 2005) was part of the City Council of Madrid's long-term strategy that aims to facilitate direct engagements with its citizens. It was conceived as a pilot programme with the aim of checking the legal, technological and organizational feasibility of eVoting systems in the long term. The project has been shortlisted as finalist for the *European eGovernment Awards 2007*, organised by the European Commission¹.

The project was initially targeted at the 136,227 inhabitants older than 16 years in Madrid's Centro District, which has some distinctive urban characteristics such as having an old quarter and a growing immigrant population². The second consultation was targeted at citizens in the Hortaleza District. Madrid Participa was expected to contribute to a wider policy seeking to improve the area's infrastructure, housing, facilities, urban landscape and a variety of social services³.

Setting of the Madrid Participa case study

Madrid is one of the most densely populated cities in Europe and the largest city in Spain, with over three million inhabitants⁴. It has developed a complex administrative structure to manage the diverse needs of its many citizens, based on a decentralized model with 21 Districts⁵ to help support the availability of all local services throughout its large municipal area. Given the diversity of this population in terms of socioeconomic and nationality perspectives, a key challenge for the Council is to establish close proximity to its citizens' needs. As there are many differences among such a large population, information and communication technologies (ICTs) like the Internet could be a very effective tool to help gain awareness of the concrete problems and priorities of each zone and to support the development of solutions to address these issues.

Madrid Participa sought to gain a better understanding of how citizens could use eVoting and other ICT-enabled capabilities as a means of more simply and efficiently getting in touch, and staying in contact, with a large number of citizens in order to determine and respond to their personalized demands.

Madrid's Mayor and Council made a political commitment to respect the eVoting result since it could not be binding from a legal perspective. A Participation Code which came into force on the 23rd of June 2004 offers a complete legal framework for citizens' participation in the City Council of Madrid⁶, including provision for the use of ICTs in many situations. Although the national Spanish legal framework also invites local administrations to promote the use of ICT, a legally binding consultation (known as a 'referendum') needs specific approval from the national Government. This would have resulted in too rigid requirements for Madrid Participa. In addition, the Spanish legal framework for official elections at the local level does not, as a rule, recognize the right to vote for

¹ <http://www.epractice.eu/awards>

² For further information about the special characteristics of the Centro District, see Barrat and Reniu (2004: p. 10).

³ Madrid Participa has become a focal point for participation issues at Madrid City Council (see: www.madridparticipa.org).

⁴ See <http://www.ine.es> for detailed statistical background on Madrid's population.

⁵ A complete organization chart of Madrid's administrative structure can be seen at <http://www.munimadrid.es/UnidadWeb/Contenidos/Publicaciones/Organigrama/GralAyto.pdf>

⁶ For more details of the Code, see: <http://www.madridparticipa.com> (Government section).

non-EU citizens⁷. Madrid Participa, on the other hand, made no distinction in terms of nationality in order to promote the political aim of seeking to address the needs of all national groups in the targeted area.

The project made a special effort to fulfil a number of strict legal and technical requirements, particularly those related to factors such as the identity of citizens and the security and privacy of personal data relating to them and their participation in eVoting. This made it a good case to illustrate the practical opportunities for extending this kind of 'strong' ICT-enabled participation model to other issues and zones where security and related capabilities are significant, for instance by helping to understand the dynamics of generating trust among citizens in the use of ICT to increase their level of participation in consultations.

All these factors made Madrid Participa one of the most important initiatives in eConsultation in Spain when it was initiated (Barrat and Reniu (2004: p. 4) and Colombo (2006: p. 5))

Milestones in the development of Madrid Participa

The Madrid Participa project emerged in September 2003, following initial conversations between the Madrid City Council and a number of key actors involved in the development of the Information Society, particularly ICT suppliers and experts. Two phases of this pioneering experience in eVoting were subsequently undertaken:

- The first Madrid Participa eConsultation took place from the 28th to 30th of June 2004, only a few days after the city's Participation Code became active. After the objectives for this eVoting experiment had been set, the Council asked for the collaboration of several residents' associations. The questionnaire used sought to identify general areas of concern, such as: 'Which public infrastructures do you believe could be improved within the Centro District?'; 'In your opinion, what is the most important priority needed to improve the quality of life in the Centro District?'; and 'Which activities would most contribute to energizing and revitalizing the Centro District?'
- A second consultation was held in the Hortaleza District from the 18th to the 21st November 2004. This had a more concrete aim: to discuss the policy affecting the opening hours of the Huerta de la Salud public park. Unlike the first consultation, the objectives of this eVote were discussed beforehand with residents' associations in order to ensure it addressed concrete problems of real concern in the neighbourhood. The use of electronic means was not compulsory and other traditional channels were also available⁸. The City Council was committed to implementing the decision of the majority of those voting.

Challenges and potential barriers faced

A high level of participation was expected in the initiative, particularly because it used modern digital technologies and communication media. To encourage widespread take-up, a special effort was made to provide appropriate information about the consultation to all residents with a right to vote. Much attention was also paid to identifying and addressing potential obstacles relating to digital divides within the local community. Plans developed to address such barriers for this ambitious project included:

1. The City Council's lack of the necessary technological means and support was overcome with the collaborative support of several highly-reputed ICT suppliers, which were generous in assisting with much of the cost of the software and related eServices.
2. The City Council did not have the personal expertise to verify the fulfilment of the legal and technological requirements. The Council created a diverse Electoral Board composed of

⁷ See Article 13.2 of the Spanish Constitution, which allows the participation of non-EU citizens only under the criterion of reciprocity (the text for this is available at: <http://constitucion.rediris.es/legis/1978/ce1978.html>).

⁸ A complete assessment of this second consultation can be found in Barrat and Reniu (2005).

citizens, institutional representatives and experts to help deal with such requirements and otherwise assist in developing and managing the project.

3. Complete information had to be provided to all citizens, covering: the consultation itself (e.g. date, place and objectives); conditions for participation; and processes for obtaining the identification code to vote. This was achieved through several complementary methods, such as a personalized letter sent to all citizens and an advertising campaign conducted in the media and through selected posters. Above all, the collaboration of the neighbourhood associations involved in the project was key, particularly in contacting certain groups such as immigrants and the elderly.
4. Problems related to the digital divide (see González 2005) were considered as a priority because the use of electronic means was compulsory in the first eConsultation. Among the several channels consequently made available were mobile phones and personal computers at strategically located polling stations (e.g. in markets, neighbourhood Associations and centres for the elderly) where personalized assistance could be requested⁹. In the second consultation in Hortaleza, traditional voting using a physical ballot box was also allowed and was used by nearly 67% of voters (Barrat and Reniu 2005: p. 13).

From a legal perspective, the main obstacles to be resolved related to security and privacy requirements. Failure to address these could lead to a lack of trust, which could become a major barrier to achieving a high level of participation, particularly as the results affected actual policy decisions. A strict system to protect voters' identities and the integrity and confidentiality of their votes was therefore implemented—although this made the project's development more difficult and costly. For instance, all participants had to obtain in advance an alphanumeric identity key acquired by establishing their accreditation in person or via the Internet using a digital certificate. The use of several computer servers for accrediting the identity of voters and expediting the establishment of credentials ensured, among other measures, that the organizers could not interconnect critical personal information provided by voters¹⁰.

Adoption and implementation of Madrid Participa

Madrid Participa and, more generally, the decision to test an eVoting system in Madrid was initially triggered by the initiative of a group of technological companies who offered their services for free, and who therefore became one of the main partners of the project. Such a basis could be problematic in initiatives of this kind as they can not be based mainly on the unselfishness of ICT companies but should be based on public leadership both when planning and executing the project.

Indeed, in this case it was the leadership demonstrated by the City Council in wanting to explore the use of ICTs as an essential tool in widely promoting citizens' participation that turned the idea into a concrete official experience. This leadership was seen as a key element in implementing the Council's existing General Direction for Citizens' Participation in the city's administrative structure and its Operational Plan that sought to increase the use of ICT for citizens' benefit during its current term of office (see González 2005: p. 6).

In addition to the City Council and the supportive groups of ICT suppliers and experts, several residents' associations became key players in the project by acting as a primary channel for informing citizens about the project—but only after the objectives for the first eConsultation had been established and the official initial mailing campaign had taken place (Barrat and Reniu 2004: pp. 21–2). Some of these associations also offered personal assistance to help many citizens engage in eVoting and the creation of an Electoral Board with a diverse representation helped greatly to balance what might otherwise have been a too excessive prominence of technicians in the project team.

⁹ See Barrat and Reniu (2004: p. 67) for a positive assessment of such multi-channel options from the perspective of reducing digital divides, despite the reduction in security that might be involved with some channels.

¹⁰ Full technical details of these legal requirements can be found in Scytl and Accenture (2004).

According to Mr. Carlos González¹¹, the potentially crucial barriers within this initiative were those resulting from the high cost of this kind of 'strong eVoting' approach¹² and the lack of the required level of resources and expertise within the City Council. However, these potential barriers were overcome in Madrid Participa with the help of the unselfish collaboration of some ICT companies and a group of experts. The pioneering experimental nature of this project meant an additional cost arose from the need to inform the citizens about the aim of the initiative, the process and requirements to participate and, particularly, the objectives of the consultation. This obliged the Council to send a personalized letter to every home in the Centro District, which was the channel through which almost 70% of those participating said they obtained information about the initial eVote (Barrat and Reniu 2004: p. 23).

Project Design

The project's aim of undertaking a strong eConsultation was part of the justification for opening it not only to Spaniards older than 18 but also to foreigners and those over 16, which is a wider range than specified in the law relating to similar "official" elections. Another reason was to understand a number of specific issues, such as: the extent to which digital divides¹³ were an issue, whether the results of the eVoting could or could not be legally binding and the impact of the compulsory use of ICT on the participation of some groups. In this case, the political desire to facilitate the participation of as many citizens as possible determined that several diverse channels were offered, even if some, such as Short Message Service (SMS), did not assure a high level of confidence from the perspective of identification and security¹⁴. Special attention was also paid to the formal presentation of the questionnaire in terms of simplicity, usability and the neutrality needed to avoid undue interference in citizens' decision making processes.

Impacts of Madrid Participa

General

Despite the efforts of the City Council to promote this initiative, the participation of residents within the Centro District was not as high as had been hoped. Only 882 votes were cast, which is just 0.65 % of the total electoral roll. This was particularly low taking into account the novelty for the public of these types of eConsultations and the fact that participative democracy habits were not yet widespread in the area, particularly using ICT media may perhaps have encouraged participation¹⁵.

As explained previously, Madrid Participa's eVotes had a direct impact only on concrete questions that were submitted to the electors, such as the opening hours for the Huerta de la Salud park, where the City Council thought making the opinion of the majority of eVoters politically binding would be appropriate. Since these two experiences, the Council has not conducted any more eVotes with a similar approach and scope, although the experiment has contributed to a better understanding of participation through electronic means. Reasons for a lack of significant direct follow-up include: the high cost in terms of money and complexity of putting into action such a

¹¹ Quotes in this study from Mr González other than those cited from published works were obtained in an interview for this study. His official title is Jefe del Departamento de Desarrollo de Nuevas Vías de Participación 2004-2007 Área de Economía y Participación Ciudadana [Head of the Department of Development of New Ways of Participation, General Direction for Participation Affairs, City Council of Madrid].

¹² That is, a system that demands the use of digital signatures for the purposes of authentication and identification and incorporates high levels of privacy and data protection within the technological design.

¹³ For more details about the level of use of technology tools in Madrid from the point of view of social and economic criteria, see González (2005: p. 3).

¹⁴ Nearly 10% of the votes were made using mobiles phones (ScytI and Accenture: p. 14).

¹⁵ See: http://www.egov-goodpractice.org/gpd_details.php?PHPSESSID=a&gpdid=1780 (Section 17).

strong eVoting system; the experimental nature of the initiative; and, particularly, the low level of participation¹⁶ in the eVotes.

Value of the project within a wider democratic engagement strategy

The two Madrid Participa eVotes should be viewed not as isolated experiences but as part of an ambitious wider strategy to promote participation in the City Council using many techniques, not only ICTs. From this perspective, it has played a relevant role in encouraging local authorities and citizens to consider the use of ICTs to improvement engagements between governments and their publics. This has included highlighting a variety of forms electronic participation appropriate to different circumstance, such as: lodging complaints electronically¹⁷; non-binding consultations on issues concerning a District; and eSurveys to consult the priorities of citizens on certain issues¹⁸. The weighting given by Madrid City Council to such approaches is indicated by the way:

- all such initiatives are directed by a specialized department, the General Direction for Participation Affairs, which plays a relevant leadership role;
- a specialized website has been developed under the Madrid Participa label¹⁹, where citizens can reach a wide range of information about the conditions, means and possibilities of participating the City Council affairs, not only through ICTs; and
- citizen participation in the Council's decision is ruled by Madrid's general Participation Code which provides for the use of ICT media in many situations.

Lessons learnt

Although there are no immediate plans to repeat this kind of initiative, important lessons have been learnt to assist any similar ventures:

1. Madrid Participa has been very useful as a check on the attitude of citizens to the use of ICT for consultations. A consequence of the wide publicity given to the project has also helped to encourage new modalities of getting in touch with the City Council, even if an intense modification of traditional habits has not yet taken place.
2. The promotion of the use of ICTs should not be considered as an objective in itself, but more as an emerging tool to help adapt democratic participation to the demands of citizens. It has also reinforced the need to take particular care to address the need overcome digital divides by carefully considering the appropriate role played by electronic media within wider plans to enhance citizens' participation.
3. It is essential to bear in mind that any participation experience must be designed with the aid of the project's target group. For example, Mr. González believes that taking into account citizens' perspectives can ultimately make the eConsultation more effective, even when some circumstances may exacerbate implementation difficulties, such as the need to raise awareness of the initiative among all relevant parties and to spend time and resources on effective initial consultations to assist the initiative's design. The value of this was highlighted by the way the lack of participation of residents' representatives in developing the initial questionnaire led to a lack of confidence in the effectiveness of the first eVote. That was corrected for the second (Hortaleza) eVote by consulting the local neighbourhood beforehand, which could have been a factor contributing to an increase in the overall participation rate by nearly four times.

This case also revealed potential problems connected to the emergent new paradigm driven by the increasingly intense use of ICT for administrative issues, especially from the perspective of power relationships. This was illustrated in the Hortaleza eConsultation on the Huerta de la Salud park by

¹⁶ In both sociological reports that followed the eVotes, the need to increase citizens' participation was perceived by the voters as a priority (Barrat and Reniu, 2004: p. 26; 2005: p. 18).

¹⁷ See: <http://www-1.munimadrid.es/SyrWeb/syrGeneral.form>

¹⁸ Further information about these initiatives can be found at: <http://www.madridparticipa.com>

¹⁹ See: <http://www.madridparticipa.com>

the unwillingness for some groups to accept the consequences of the commitment by the City Council to accept the majority verdict of the eVote. Some political groups argued against this on the grounds of the low level of participation expected and problems related to digital divides, and a group of young citizens conducted an active campaign against the binding outcome because they thought the result (closing the park at night) would be against their particular interests. Such tensions indicate the kinds of complexities that government needs to address in participative multistakeholder decision making. On the one hand, in the survey that followed the first eVote citizens clearly favoured consultation on concrete problems and solutions. Yet, when this perspective was adopted by the Council, other social and political arguments against eVoting emerged.

In a large administrative structure such as Madrid City Council, there may also be different interests inside the government organization, depending on the position of the public authority, especially its nearness or distance to citizens. Mr. González believes the Council's determination to continue with the promotion of eVoting at the central level is being countered by a certain reluctance within decentralized organizations to propose more issues for new eConsultations—despite being closer to citizens and their real problems.

Factors affecting this case of significance to wider eGovernment initiatives

The Seven Barrier Categories

The Breaking Barriers Project, funded by the EC, identified and explored the key barriers to eGovernment in Europe. The project team proposed seven key barrier categories of obstacles to eGovernment progression. The categories are intentionally broad and tied to a multitude of more specific barriers relevant at different governance, institutional and jurisdictional levels. This categorization is particularly valuable when discussing the barriers relevant to this case which may have relevance for other eGovernment initiatives. In summary the barriers are: leadership failures, financial inhibitors, digital divides and choices, poor coordination, workplace and organizational inflexibility, lack of trust and poor technical design²⁰.

The following are the main issues that arose during the implementation of Madrid Participa of relevance to the seven barrier categories identified by the Breaking the Barriers to eGovernment project (no new barriers were detected in this case study outside these categories).

Leadership failures: From a political perspective, Madrid Participa confirms that good leadership is essential for the success of eGovernment projects such as eConsultations. However, this should not be considered only from a personal management perspective, but within a general plan and an appropriate legal framework on the promotion of the use of ICT for administrative democratic engagement purposes. This is what the City Council did when it assumed responsibility for this initiative as an official project within its general plan for enhancing citizens' participation in the Council's policy making, although technological companies also played a crucial role in developing the initial concept. Such clear government leadership must be harmonized with direct involvement by the social groups affected by the project, particularly in the preliminary phases (as in the Hortaleza eVote).

A key legal factor affecting the Council's leadership role was the provision in the Spanish regulation for local authorities for allowing the result of eVoting to be considered legally binding (a "referendum") only if that has been authorized by the national Government. However, the Council's decision to accommodate an acceptance of the majority view in its Madrid Participa eVoting shows that this inconvenience can be resolved if there is a firm political commitment to using eConsultation.

Financial inhibitors: Madrid Participa was supported unselfishly by a group of ICT companies. However, this model is likely to be of value only in some experimental initiatives but not for longer term strategies aimed at increasing the number and frequency of eConsultations. One of the

²⁰ For more details about the Breaking Barriers to eGovernment project please see <http://www.egovbarriers.org>

interesting related understandings revealed by this experiment concerned the contracts entered into with ICT companies. These suppliers are usually not in favour of giving access to their software for commercial/IPR reasons and the public administration officials with which they negotiate contracts may not have the necessary expertise to decide which clauses should be imposed to safeguard the public interest. Experts advice, such as that obtained in this case through the Electoral Board, is important to overcoming this kind of barrier.

Digital divides and choices: The central role of ICT in Madrid Participa led the City Council to take much care in designing an inclusive system that did not leave any citizens behind for economic, social or other reasons. The project sought to bridge digital divides through a number of measures. These included the special effort to inform residents beforehand about the nature of the eConsultation, as well as the availability of a wide range of multi-channel electronic systems, including mobile phones (as used by a high percentage of citizens) and personal assistance at several centres where citizens could, for example, freely access a computer to cast their vote. Although the number of voters increased nearly four times for the second Hortaleza consultation, the overall percentage of citizens that decided to participate was still low, despite the availability in this instance of a traditional voting box used by many participants. This indicates that the main barrier could be an underlying problem with the general lack of a culture of direct democratic participation, rather than the use of any particular medium.

Poor coordination: The clear political support from the Mayor in this case meant few significant problems arose regarding coordination. This was assisted by having the specific department devoted to participation issues take the leadership for this project, as part of a more global plan to increase citizens' participation. Nevertheless, an important lesson from this experience was the essential need to take account of citizens' requirements and preferences when putting into action new eGovernment services, particularly in the initial phase. Otherwise, there is a serious risk that a commitment to the venture by external groups, such as residents' associations, may be lost if they consider the eService provided as useless. Such a commitment also needs to be sustained throughout the project. This reinforces the significance of prioritizing consultation with target groups from the earliest phase of deciding which services are going to be established and in subsequently assessing their functionality and utility.

Workplace and organizational inflexibility: No significant problems were detected in this barrier category during the two eConsultations in this case. However, there has been a distinct lack of interest, even a reluctance, in the subsequent promotion of new eVoting by the Districts' Governing Bodies. This attitude was not perceived while Madrid Participa was in progress, but emerged only later. One reason may be that the project was experimental and thus could be viewed as a novelty; but once there was evidence that this system could be introduced as a regular mechanism to facilitate direct engagements with citizens, a degree of anxiety appears to have arisen because the Governing Bodies may have seen their political role as intermediaries being threatened by more direct eConsultation channels. This could have dampened their willingness to put fresh energy into new eVoting proposals.

The fact that the initiative's strong eConsultation approach, involving strict legal secrecy and authentication requirements, did not become a permanent feature following the initial two eVotes limited its direct impact on the workplace and the 'traditionally' inflexible organizational structure was limited. This could explain why this category did not present itself as a relevant barrier during the eVoting period, but could have been behind the lack of enthusiasm at lower administrative levels to pursuing further similar eConsultations subsequently.

Lack of trust: Authentication is one of the most relevant legal issues the Madrid Participa project had to address, in order to avoid generating a lack of trust in its operation among the citizens targeted. The complexity of this challenge was increased by the additional effort that went into offering multiple channel systems to allow the participation of all citizens regardless of their technological skills and means. This demanded different identification arrangements for different types of channel to check a participant's, although these kinds of problems may be overcome with the new electronic Identification Card being introduced by the Spanish Government²¹.

²¹ For further information about this identity card initiative, see: <http://www.dnielectronico.es>

Privacy and data protection requirements were also a priority from the perspective of trust. A dual-server system was used in the underlying ICT architecture to ensure nobody other than the voter could know how they had cast their vote. This needed to be monitored by an external system of control, which was supported by qualified experts. Nevertheless, surveys carried out after the eVoting showed there was not much concern among citizens about the security and privacy of their information (Barrat and Reniu 2005: p. 26). However, the Huerta de la Salud experience also demonstrated a stronger confidence in traditional means, although the low level of participation in this consultation may also be explained by more relevant reasons than a lack of trust in electronic systems such as the absence of an established culture of, and lack of interest in, this kind of direct democratic participation.

Poor technical design: The substantial technical design effort with the support of ICT suppliers and experts contributed to the emergence of no noticeable inconveniences in this respect. The survey after voting in the first Centro District consultation showed an average general satisfaction level of 4 points (out of a maximum of 5), and of 4.3 and 4.2 points respectively for assessments of speed and simplicity (Barrat and Reniu 2004: p. 28). Nevertheless, a special feature of eVoting consultation processes should be emphasized as it may reveal an important lesson for any eGovernment project: it is essential to offer a similar level of guarantee to citizens as when non-electronic methods are used for the same or similar purpose. An example of this, as explained by Mr. González, is the explicit design for Madrid Participa of a capability to allow the casting of a conscious and voluntary 'spoiled vote'.

The case study has also shown that it is vital to have expert advice from an early stage in order to help make informed decisions regarding the technological resources required and how to manage and monitor their correct functioning. This may require external assistance from specialized ICT firms and experts. Madrid Participa was fortunate to have the generous support of ICT companies and experts in this respect, but it could be more of a barrier on other projects.

Relative Influence of eGovernment Challenges

On a 100% scale, the following are approximate relative levels of influence on Madrid Participa Project of some key factors that could affect eGovernment projects:

- Political, administrative and organizational (30%). Leadership is one of the main requirements in order to promote this kind of projects since the use of eParticipation tools requires and brings about a higher level of transparency and, therefore, of control on public workers, who may be reluctant to put citizens' opinion above their own.
- Financial (20%). One of the main inconveniences for eVoting projects is that they demand a high investment to provide with the required software, unless it is unselfishly offered by ICT companies. But this solution is useless when a long-term action is being promoted. Cooperation among public administrations in this field may help to solve this obstacle. Also, there are many other eParticipation tools apart from eVoting that do not demand such an intense financial effort and may involve a higher level of interest from citizens.
- Legal (20%). One of the main difficulties of eVoting projects is to assure the strict respect of privacy and data protection legal requirements since, otherwise, there is a serious risk of reducing citizens' level of confidence and trust in government. Nevertheless, the degree of difficulty from this perspective may be reduced when implementing other modalities of eParticipation different from eVoting.
- Social (20%). Lack of motivation for participating and the absence of a culture of participation may lead to a low degree of citizens' engagement with electronic means for this purpose. In addition, the risks related to digital divide had to be overcome to avoid the dangers of inequality (citizens not digitally literate) with some compensating measures (public kiosks, associations...) and support systems for voters (training measures, assistants...).
- Technological issues (10%): Multi-channel solutions must be adopted to guarantee the access of all groups and citizens to participate in the initiative regardless of the use of ICT

tools. Nevertheless, social habits of passiveness may be viewed as a more significant issue. Even if multi-channel access is assured a higher (and proportional) level of participation is not necessarily achieved.

Conclusions

The need to meet wider democratic participation needs with ICT support

Overall, Madrid Participa achieved its main objective of acting as a tool to help gain a deeper insight into citizens' demands and problems related to the design and execution of this sort of eConsultation initiative²², including the importance of resolving inherent tensions and conflicts arising from the different interests represented in such multistakeholder policy development. Although it is important in itself to explore the use of new ICT-enabled capabilities for enhancing democratic engagements, such innovations are likely to be most effective when they are conceived as a part of a global strategy to increase citizens' participation.

However, the kind of eConsultation typified by Madrid Participa can be too expensive²³, particularly if there is a low rate of participation. According to Mr. González, the only way of making feasible the direct participation by citizens in public policy making, particularly in a large population, is to have a long-term strategy based on a firm belief in the advantages of ICT-enabled eDemocracy and in promoting their use strongly. This perspective is necessary as many Public Administrations, particularly at local levels²⁴, have neither the funds nor expertise and resources to manage such complex projects on their own, as illustrated in this case by the specialist requirements when negotiating details of contracts with ICT suppliers. Consequently, greater coordination between Public Administrations is required in this field and, above all, more intense promotion by national and regional authorities to solve these serious problems.

Understanding and addressing citizens' diverse participation requirements

Madrid Participa revealed significant potential barriers to eConsultations that can be posed by digital divides issues, especially when the use of ICT is compulsory. Taking account of citizens' views as early as possible is a key way of enhancing participation and being more inclusive, even if the kind of effective special measures taken in this initiative to inform citizens at the outset about the eConsultation could be too costly and time consuming to be repeated each time a new eVoting experience is planned. The study also found that some concerns about citizens' lack of confidence on security issues may not be as significant as is often assumed. This indicates that systematic assessments of citizens' actual perceptions are crucial from the outset of an eConsultation project, together with an ongoing, objective external system of control to check if the initial expectations have been reached or, even more, if they have to be changed in the light of experience.

Another finding was that many citizens might still prefer to use more traditional means. However, a deeper and more complex reason for the low use of technology, despite the many options offered, seems to lie in the lack of a culture of participative democracy. This could arise from a passive—even lazy—attitude to moving on from an archaic model of political representation, where the relationships between citizens and authorities are not fluid. A traditional administrative framework can also be an obstacle (e.g. the over-rigid rule for requiring national approval of referenda in Spain). Clear political leadership is essential to overcoming these kinds of blockages, as in the way the Madrid City Council accepted that the result of an eVote in this case could be legally binding.

Effective promotion of ICT-enabled media can help to overcome citizens' inertia towards participation, although consideration of offline channels must not be neglected when an eConsultation channel is opened. Given the potentially high cost of some eVoting systems, the

²² See Barrat and Reniu (2004) for full details of the survey carried out after the consultation.

²³ For further information about the budgetary size of the project, please visit

<http://www.epractice.eu/cases/madridp>

²⁴ For a successful example at the national level in Estonia see <http://www.epractice.eu/cases/ivote>

facilitation of 'lighter' ICT mechanisms should be considered initially, for instance in efficiently generating an appropriate supportive atmosphere for future 'stronger' eVoting initiatives involving strict legal secrecy and authentication requirements. The failure to date of the 'strong' Madrid Participa approach to become part of a more permanent approach to consultations with citizens highlights the importance of taking account of such deep-rooted potential obstacles. It also has implications for considering differences between experimental and real initiatives when designing and implementing new eGovernment services.

Finally, if there is a will to develop widespread eVoting then a deep analysis is required of the consequences and impact on the political representation system. For instance, this should assess the effectiveness of ICT not just as an isolated tool, but as a part of a general project to modernize the administrative activity and/or to increase the participation. Only if there is a continued, critical and citizen-centric evaluation will it be possible to know with any degree of certainty whether or not the efforts made have been efficient and effective.

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Case Study: The No.10 Downing Street ePetitions Initiative

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Background – Petitioning in the UK

In many countries around the world, citizens have used petitions to make their feelings known about issues that concern them. Simply defined, a petition is a formal request to a higher authority (Macintosh et.al, 2006) such as a Head of State or Parliament, signed by one or a number of citizens. The format of petitions, and the manner in which they are submitted to and considered by the higher authority, varies greatly from country to country.

In the United Kingdom, the tradition of members of the public submitting petitions to the Prime Minister by presenting them at the door of his official residence of No.10 Downing Street is a long established one, reputed to be even older than the practice of voting. In the past, petitions have been paper-based, consisting of a bundle of sheets bearing the names and signatures of the petitioners. But the humble practice of petitioning received a 21st Century makeover when, in November 2006, the Prime Minister's Office in partnership with mySociety launched an ePetitions Service on its website to provide citizens with a modern, more convenient parallel – the ePetition.

The ePetition

Simply defined, an 'ePetition' is a form of petition posted on a website. Such a petition may be created easily by an individual or group, and by adding their details such as an email address to verify their authenticity, visitors to the website may 'sign' it. Theoretically, there is no difference between difference between a paper petition and an ePetition, only the way in which signatures are collected and delivered.

Since its launch in November 2006, the ePetitions Website site has been very busy. By mid-February 2007:

- There were over 3,381 petitions that were active and available for signing
- There had been over 2,555,972 signatures.
- There had been 2,110,710 signers

The ePetitions initiative was also a finalist in the 2007 eGovernment Awards (<http://www.epractice.eu/cases/1021>)

ePetitions System Features

Any ePetition system faces a number of challenges that need to be considered while considering the system design. These include the need to maintain and balance the overarching democratic requirements of openness, accessibility and participation with the need to keep within Data Protection standards (Macintosh et. al., 2006). An additional value-added feature is a feedback mechanism where, unlike paper-based petitions the service also provides an opportunity for No.10 to respond to petitioners via email. The features of the ePetition site are detailed below:

Home Page

The ePetitions service may be accessed at <http://petitions.pm.gov.uk> . Visitors to the website can view the petitions online by popularity ranking or beginning with the most recently submitted petition.

Create/Submit a Petition

Petitions may be created using an 'ePetition form'. The creator is required to supply certain basic information about themselves and their petition. Downing Street aims to process petitions within 5 working days, during which time they are to go-live on the website and the aim is to accept as many petitions as possible. As the website must conform to certain standards laid out in the Civil Service Code, while petitioners are free to disagree with the Government or call for policy changes, petitions must meet certain criteria set out in an 'acceptance policy' which is available on the website.

Around 1 in 6 submitted petitions have to be rejected, the most common reason for rejection being duplication – too many petitions on similar subjects clogging up the site. The other common reasons of rejections include: legal issues such as libel, obscenity and offensive language, party political content and issues outside the government's remit. Many of these may yet be resubmitted, as everyone is given a second chance. Should a petition be rejected a second time, it is posted in a separate section of the website, with the reasons for rejection listed.

Sign a Petition

To sign a petition, the petitioner needs to furnish their name, address and email on the form provided. Once the petition is 'signed' the petitioner will receive an email asking them to confirm their 'signature'. Signatures once appended may be viewed as a list by clicking on the specific petition.

Feedback

The petitioner's email address will be used to automatically provide feedback (unless otherwise requested) – a maximum of two responses from the government to the issues raised in the petition, and a maximum of two emails from the creator of the petition. Other, related services such as email updates are available on the Downing Street website, but require the petitioner to sign up to these services.

In accordance with Data Protection laws, all data is held by mySociety, and not by either the Prime Minister's Office or any other government agency.

The Vehicle Tracking and Road Pricing Policy Petition

The No.10 Downing Street ePetitions System was brought firmly into the spotlight by a petition against the Government's proposed Vehicle Tracking and Road Pricing Policy set up on the ePetitions website. The petition began collecting signatures in December 2006 and closed in February 2007, during which time it was publicised widely and attracted over 1.8 million signatories.

There are a number of advantages to ePetitioning: people can obtain background information on an issue, make comments, sign petitions online and receive feedback on the progress of their petition. This, at least in theory, makes for a more informed petitioner and better quality of participation, as people are given the time to research the finer points of a particular issue before they decide whether or not to support a petition.

On the government side, while the ePetitions service simply allows citizens to petition in electronic form, and not participate in a full-blown eConsultation forum, popular petitions and their associated comments may be used during the policy process. Popular petitions, such as the one on Road Pricing Policy, may even serve to highlight issues and uncover underlying discontents which have not as yet been picked up by the media.

But in the long-term, will the ePetitions system change anything? While the road pricing petition, through its sheer size of support, prompted the Government to respond immediately in order to placate irate petitioners, most petitions can in theory be ignored without fear of retaliation. Given how easy it is to start and sign up to a petition (for example over 3,313 people supported a call for Tony Blair to stand on his head and juggle ice-cream) how seriously can one take the Transport

Petition? And will this new form of voter engagement lead to changes in policy, or will the entire exercise be quietly forgotten?

When doing any evaluation the ePetitions System, it must be remembered that first and foremost, the system is a direct replica of the traditional petitions model, and in that sense is not a radically new democratic process where the voice of the majority translates directly into a legal change. Further, petitions are not meant to be representative of a country as, say, an opinion poll might be. Instead, they simply indicate what one group of people think on a subject, but in combining traditional access to politics with technology they are a powerful way of making politicians aware of issues which are important to that group of people. Accepted wisdom says that it will only be the 'antis' on any issue who will sign up to petitions, and not those who are generally satisfied with proposals, and there is a need for the Government to take into account the silent, possibly far larger majority in favour of a policy. One way in which this could be done would be to allow views gathered from the website to feed into a much wider policymaking context such as a consultation, where they may be discussed and deliberated upon by a wider section of the Body Politic representing different sides of the debate.

Conclusion

The ePetitions System is a significant tool in that it further encourages the public's engagement in politics in the UK, opening a channel to far greater numbers of people than were involved in signing petitions before. Given that it has only been in existence one year at the time of writing, it is probably too early to identify the most important barriers to its further development likely to emerge. To some extent, the self-contained nature of the project means that it may well avoid significant co-ordination problems, identified as the key organizational barrier by the EC-funded Breaking Barriers project of which this case forms a part. The partnership with mySociety, a social enterprise organization which has had considerable success in developing a range of applications to enhance democratic participation (such as www.theyworkforyou.com, a site which encourages users to be informed about the activities of their legislative representatives) means that barriers associated with workplace and organizational flexibility (another key barrier identified by the project) may also be circumvented. The minimal authentication that is required and the guarantees of transparency offered by the site also work against lack of trust, another key potential barrier. It remains, however, too early to pass definite judgement on the value it adds to eDemocracy in the United Kingdom.

Case Study: Your Voice in Europe: European Commission eDemocracy Web Portal

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Definition of the Case Study

Your Voice in Europe²⁵ is an official web portal of the European Commission, launched in October 2001. It promotes eDemocracy at the European level, with the aims of:

- improving governance²⁶ in the EU;
- introducing better regulation (see European Commission 2002a);and
- improving the transparency of EU-level policy-making processes.

Above all, it is seen as a key element in the Commission's response to overcoming citizens' distrust of public institutions and politics especially at the EU level, which is a "poorly understood and complex system for delivering the policies people want" (European Commission 2001a).

To promote "greater openness, accountability and responsibility for all those involved" (European Commission 2001), Your Voice in Europe offers an entirely Internet-based tool to help open the policy-making process of the European Commission to the public. This provides a single access point to a wide variety of consultations, discussions and other tools designed to enable people to play an active role in the European policy-making process.

The portal also serves as an internal communication and staff management aid within the Commission, for example to assist regular internal surveys, help prepare events and conferences (e.g. for registration) and to conduct surveys of website users.

The significance of the portal's internal use within the EC is indicated by a commitment to "active transparency"²⁷ for the Commission's Directorate-General for Communication in Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents (European Commission 2001b).

The main innovation is that Your Voice in Europe is an instrument that has enacted a policy of greater openness in Commission and pan-European policy-making processes. Consultations cover a wide range of topics, as illustrated later in this study. Access to current and past topics can be made through the "Consultations" tab on the website's home page.

Setting of the Your Voice in Europe case study

Policy context

The European Commission developed Your Voice in Europe within its Interactive Policy Making (IPM)²⁸ initiative and Minimum Standards on Consultation²⁹ policy. It is based on the general

²⁵ See: http://ec.europa.eu/yourvoice/index_en.htm

²⁶ As defined in the European Commission's (2001a) White Paper on European Governance, which is concerned with "the way in which the Union uses the powers given by its citizens". See also: http://ec.europa.eu/governance/index_en.htm for the Commission's definition of 'governance' for the EU.

²⁷ In practice, however, this has acted more as a 'reactive transparency', in the sense that every administrative unit offers access to its own information (documents, results of consultations, etc) by request only, not automatically.

²⁸ IPM is one of the tools that should help the Commission respond more quickly and accurately to the demands of citizens, consumers and business, in accordance with the European Commission's

principles being established for European consultation: participation, openness, accountability, effectiveness and coherence³⁰.

The Minimum Standards on Consultation requires this web portal to “encourage more involvement of interested parties through a more transparent consultation process” and “to promote mutual learning and exchange of good practices within the Commission”. This meets the requirements of the European Union’s legal framework, which states that “the Commission should [...] consult widely before proposing legislation and, wherever appropriate, publish consultation documents”³¹. The Commission’s guidance on this is “to give interested parties a voice, but not a vote”³², as the last word in the legislative process returns to the European Parliament and the Council of Ministers.

Legal framework

Your Voice in Europe relies on a wide range of EU legislation which has sought to introduce greater transparency into the work of Union institutions.

For example, Regulation EC 1049/2001 (European Commission 2001b) stresses that “any citizens of the Union, and any natural or legal person (...), has a right of access to documents of the institutions [i.e. the European Parliament, the Council and the Commission]...”³³ and that the Regulation “shall apply to all documents³⁴ held by an institution”³⁵. This defines “the principles, conditions and limits on grounds of public or private interest governing the right of access to the institutions documents (...) in such a way as to ensure the widest possible access to documents”³⁶.

This regulation is fundamental to Your Voice in Europe as it addresses access to the results of the consultations carried out by the European Commission. This is reinforced by the implementation of two non-binding instruments within EC consultation mechanisms:

1. The White Paper on European Governance (European Commission 2001a), which “proposes opening up the policy-making process to get more people and organizations involved in shaping and delivering EU policy”, as it identifies the key principles of good governance, such as: openness; participation; accountability; and responsibility; effectiveness; and coherence for all those involved.

This White Paper is addressed particularly to EU institutions, central governments of Member States, the regions, cities and civil society³⁷, and proposes to them a series of initial actions that “should help the EC to concentrate its action on clear priorities within the tasks conferred on it by the EU Treaty: right of initiative³⁸, execution of policy, guardian of the Treaty and international representation”.

Communication on Interactive Policy Making (C(2001) 1014) of 3 April 2001. This aims to improve governance by using the Internet to collect and analyse reactions in the marketplace for use in the EU’s policy-making process. See also: http://ec.europa.eu/yourvoice/ipm/index_en.htm

²⁹ See European Commission (2002b)

³⁰ As highlighted in European Commission (2001a; 2002b).

³¹ See Protocol (N° 7) on the application of the principles of subsidiarity and proportionality, which is an annex to the Amsterdam Treaty, quoted by European Commission (2002b).

³² As the European Parliament stated in its Resolution A5-0399/2001 on the White Paper on Governance, as quoted in European Commission (2001a; 2002b).

³³ See Article 2, §1, of Regulation EC 1049/2001 (previous footnote).

³⁴ This relates to “any content whatever its medium concerning a matter relating to the policies, activities and decisions falling within the institution’s sphere of responsibility” (Article 3, (a), of Regulation EC 1049/2001).

³⁵ See Article 2, §3, of Regulation EC 1049/2001.

³⁶ See Article 1, (a), of Regulation EC 1049/2001.

³⁷ Civil society is defined as including the following: trade unions and employers’ organizations (“social partners”); non-governmental organizations; professional associations; charities; grassroots organizations; organizations that involve citizens in local and municipal life, with a particular contribution from churches and religious communities. For a more precise definition of organized civil society, see European Commission (1999).

³⁸ To enable the European Commission to play its role as guardian of the Treaties and defender of the general interest, it has been given a ‘right of initiative’ which empowers and requires it to make proposals on the

Its proposals and action points focus on the more effective involvement of citizens, which depends on more active communication with them from EU institutions and Member States.

2. The Communication from the European Commission (2002b) of 11 December 2002 giving general principles and minimum standards³⁹ for consultation of interested parties by the Commission in moving towards “a reinforced culture of consultation and dialogue”.

The Commission has created the Your Voice in Europe web portal in order to better publicize and undertake consultations by offering a single access point for consultation to interested parties and to “ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of all target audiences”.

Jurisdictional context

Although Your Voice in Europe was launched at the European level, it relies on the involvement of a wide number of local, regional and national stakeholders in all stages of its feedback processes. These include over 300 intermediaries, such as Euro Info Centres (EICs), European Consumer Centres Network (ECC-Net) and the Citizens Signpost Services (CSS)⁴⁰, as discussed below the section Other EU-level eDemocracy Services Related to Your Voice in Europe.

Your Voice in Europe is therefore based on a ‘bottom-up’ approach, even if the online consultation mechanism resides at the European Commission level, through the intermediary of its DGs.

European Commission (2002b) underlines this⁴¹: “Good consultation serves a dual purpose by helping to improve the quality of the policy outcome and at the same time enhancing the involvement of interested parties and the public at large. A further advantage is that transparent and coherent consultation processes run by the Commission not only allow the general public to be more involved, they also give the legislature greater scope for scrutinizing the Commission’s activities (e.g. by making available documents summarizing the outcome of the consultation process)”. This is also stressed in the White Paper on European Governance (European Commission 2001).

The European Commission’s (2002b) Communication “Towards a Reinforced Culture of Consultation and Dialogue” is a direct contribution to the European Union’s Action Plan for Better Regulation (European Commission 2002c) and the subsequent new approach to impact assessment policy. Until 2002 there had not been Commission-wide guidelines on how to undertake such consultations, which left each department to develop its own mechanisms and methods for consulting its respective sectoral interest groups. Furthermore, the Secretariat General publishes each year a report on the improvements made in this field (statistics, results, recommendations, etc.).

Management responsibilities

Several Commission Directorates-General (DGs) have accountability for the good working of Your Voice in Europe:

matters contained in the Treaty, either because the Treaty expressly so provides or because the Commission considers it necessary (see http://europa.eu/scadplus/glossary/initiative_right_en.htm).

³⁹ The full title of this Communication is “Towards a Reinforced Culture of Consultation and Dialogue – General Principles and Minimum Standards for Consultation of Interested Parties by the Commission”. These principles include clear rules about: the content of the consultation process; target groups of this process; publicity about consultations; time limits for public participation; and rules about acknowledgement and feedback in the consultation process. The general principles and minimum standards applied from 1 January 2003.

⁴⁰ See below for more on EICs, ECC-Net and CSS in the section Other EU-level eDemocracy Services Related to Your Voice in Europe.

⁴¹ The DGs are obliged to apply those minimal standards in full when they carry out a public consultation, either open or targeted, under the coordination and formal monitoring system of the EC’s Secretariat General. DGs are also encouraged to continuously improve their consultation processes.

- DG Internal Market, which is responsible for the IPM system, website design, quality and the introduction and functioning of the portal's information.
- the Secretariat General, which monitors the consultations and the appropriate application of EU "minimum standards" (European Commission 2002b).
- DG Communication, which is responsible for the communication of the information present on the website to the public and the other tools of information (e.g. press releases, mailing lists, press office functions and to post other documentation).
- DG Enterprises, which coordinates relations with the intermediaries mentioned earlier, such as EICs, including the communication of all necessary information and organization other relevant support (e.g. training courses on appropriate methods of dialogue with stakeholders).

At the same time, management responsibility for this web portal rests with just a few people⁴² from DG Internal Market. This simplifies knowledge of who is responsible for what⁴³ or when there may have been a misuse of this tool. Moreover, it is always the Head of each unit or DG who has the 'last word' for decisions.

Other EU-level eDemocracy services related to Your Voice in Europe

Your Voice in Europe is part of a wide framework of EU-level eDemocracy services that seek to increase participation and consultation by European citizens and businesses and to raise the visibility of activities in this area⁴⁴. However, more research is needed to discover how far the average European citizen uses and understands this diversity of channels and the degree to which this proliferation could mean that some citizens might get lost in the flood of information and the diversity of links offered.

Examples of EU eDemocracy initiatives other than Your Voice in Europe include:

- Euro Info Centres⁴⁵: this initiative provides a business support network of EICs comprising over 300 centres across more than 45 countries. They provide feedback to the European Commission about community matters affecting small and medium-sized enterprises (SMEs) and can inform, advise and assist businesses on Community issues. They are in constant contact with the Commission, confidentially feeding back company concerns to the Commission by gathering information through a variety of means, such as: direct discussion, regional surveys or participation in consultation panels. As EICs are an integral part of the Commission's IPM initiative, they submit (with permission from the company) information about the problems encountered with the IPM database.
- ECC-Net⁴⁶: An EU-wide network of European Consumer Centres promoting consumer confidence by advising citizens on their rights as consumers and providing easy access to redress, particularly in cross-border cases where the consumer has purchased something in another country to his/her own. The network has been created by merging two previously existing networks: the European Consumer Centres or 'Euroguichets', which provided information and assistance on cross-border issues; and the European Extra-Judicial Network (EEJ-Net), which helped consumers to resolve their disputes through alternative dispute resolution schemes (ADRs) such as via mediators or arbitrators. There were ECCs in 26 countries across Europe in early 2007.

⁴² According to interviewees for this study, there are two full-time Commission officials in charge of the website and reporting on it to the EC.

⁴³ For example, there is a formal protocol about data protection that requires each Directorate-General to name a controller for the data processed within a consultation.

⁴⁴ Some of these use support developed for the IPM initiative in the creation and operation of its eService.

⁴⁵ See: <http://ec.europa.eu/enterprise/networks/eic/eic.html>

⁴⁶ See: http://ec.europa.eu/consumers/redress/ecc_network/index_en.htm

- Citizens Signpost Service (CSS)⁴⁷: An EU-wide service that also offers citizens 'customer-tailored information' and advice on their rights under internal market rules (such as car registration or obtaining social security cover in another EU country). It offers a quick, free and personalized reply by multilingual legal experts, who clarify the relevant rules and direct citizens towards the body which can best help solve their problem. In some cases, citizens could be "signposted" to the SOLVIT network, which can deal with the problem. CSS operates in conjunction with Your Europe.
- EUROPA website⁴⁸: A 'user-friendly' portal through which each European citizen and business can access an interactive platform for information, feedback and debate about the EU. It provides general information about the EU and its institutions and activities, with links to parallel networks across the Union to relevant EU websites that could assist citizens (e.g. with information about the "rights" of citizens and businesses, "travelling in Europe" or "studying and working"). Your Voice in Europe and all the other websites mentioned in this section can be also be accessed through this portal's "services" link.
- The European Business Test Panel (EBTP)⁴⁹: A representative panel of businesses throughout Europe that evaluates the impact of new legislative proposals. This is the unique tool allowing the European Commission to obtain direct feedback from businesses on its legislative proposals or initiatives likely to have an impact on business operations.⁵⁰ Examples of Panel consultations could include proposals dealing with environmental standards, working conditions or technical rules governing the distribution and marketing of specific products or financial services. The EBTP is also entirely Internet based, using the online consultation tools developed under the IPM initiative. Views from these consultations are fed into the policy making process, and policy makers are committed to taking them into account when finalizing their proposals.
- Europe Direct⁵¹: Offers general information to citizens about EU matters in any of the official EU languages.
- EC blogs⁵²: Internet users can access Blogs written by European Commissioners (including Margot Wallström, Commissioner for Institutional Relations and Communication and Mariann Fischer Boel Commissioner for Agriculture and Rural Development and blogs of the European Representations (including Joanna Drake head of the European Commission representation in Malta)
- SOLVIT⁵³: An "online problem solving network" for citizens and businesses within which EU Member States work together to solve, without legal proceedings, problems caused by the misapplication of EU Internal Market law by public authorities. The European Commission coordinates the network (which is operated by the Member States), provides the database facilities and, when needed, helps to speed up the resolution of problems. SOLVIT is

⁴⁷ See: http://ec.europa.eu/citizensrights/front_end/index_en.htm

⁴⁸ See: www.europa.eu.int

⁴⁹ See http://ec.europa.eu/yourvoice/ebtp/index_en.htm

⁵⁰ Companies which are members of the EBTP panel are informed at an early stage about some of the major upcoming political issues being discussed at EU level that may have an impact on their operations. Panel members can receive feedback on the views expressed during each consultation, in their own language. In cooperation with national coordinators, the Commission selects significant policy topics for each new consultation. Panellists are given a time period (at least two weeks) within which to submit replies through online surveys, with most documents, notices, questionnaires and results being made available in official Community languages. Businesses are supplied with a short explanatory note setting out the objectives of the new policy initiative and asked to complete a questionnaire designed for easy use. After the consultation, the Commission provides overall results. As this unique panel is designed to be representative of all European business, EBTP members are asked to reply to each consultation

⁵¹ Replies can be given also by phone or e-mail in the official EU language requested by the citizen. See http://ec.europa.eu/europedirect/index_en.htm for more on Europe direct.

⁵² See <http://blogs.ec.europa.eu/>

⁵³ See http://ec.europa.eu/solvit/site/index_en.htm.

proposed as an alternative dispute resolution mechanism, and aims to work much more quickly than making a formal complaint. There is a SOLVIT centre in each EU Member State (as well as in European Economic Area countries of Norway, Iceland and Liechtenstein). They are part of the related national administration. Use of SOLVIT is free of charge. If citizens or businesses are already well informed about their internal market rights and have tried in vain to exercise them in another EU country, they can submit a case to SOLVIT. Complaints can be submitted to local SOLVIT Centre by telephone, fax or e-mail.

- Your Europe⁵⁴: A portal to online European and national public services, part of the EC's IDABC⁵⁵ programme. It aims to provide practical information about the European Union and its Internal Market to help people clarify matters when there is a lack of information about their rights in Europe and about how procedures work in other EU Member States. Typical information made available through Your Europe includes general guides and country-specific fact sheets with information on citizens' rights and opportunities. This website aims to break down the barriers created by administrative procedures of different EU countries by pooling relevant information into "one single entry-point online" targeting the cross-border dimension. This single gateway approach is the point of similarity with Your Voice in Europe.
- CONECCS⁵⁶ (Consultation, the European Commission and Civil Society): Provides information on the committees and other Commission frameworks through which civil society organizations are consulted in a formal or structured way. It includes information on the Commission's formal or structured civil society consultation bodies⁵⁷, with a directory of pan-European civil society organizations representing a wide range of interests.

Milestones in the development of Your Voice in Europe

Your Voice in Europe was launched in 2001, with capabilities that have successfully enabled the carrying out of more than a hundred public consultations in the twenty areas of policy activity of the different DGs⁵⁸.

After five years of functioning, there is a formal system to monitor the impact assessment for older consultations. The website is regularly updated with open and closed consultations, and the results made available either directly or through a link to the Directorate-General in charge of that consultation.

Challenges and potential barriers faced

Plans were established to address any potential barriers for EC officials through appropriate training courses. Progress was also smoothed by the good relationship between the main DG officials involved with specific consultations and those responsible for the development and operation of the portal itself.

⁵⁴ See: http://ec.europa.eu/youreurope/index_en.html

⁵⁵ See: <http://europa.eu.int/idabc>

⁵⁶ See: http://ec.europa.eu/civil_society/coneccs/index.htm for more information on CONECCS. Since the interviews conducted for this study with the EC official in charge of the CONECCS database, the European Commission has adopted a Communication on the follow up to the Green Paper on European Transparency Initiative (European Commission 2007), where it was announced that the CONECCS database will be wound down and replaced in Spring 2008. From 21 March 2007, CONECCS was online for a short period as a read-only information tool but is now closed down.

⁵⁷ According to an interview with an EU official responsible monitoring the consultation policy, the number of the CONECCS members was 749 on 7 March 2007.

⁵⁸ See: http://ec.europa.eu/yourvoice/ipm/index_en.htm for this figure. The number of consultations identified directly on the Your Voice in Europe portal is less, as the website offers only a selection of consultations addressed to the broader public. A fuller picture of consultations undertaken by different EC Directorate Generals is provided by through links on the left of the portal's "Consultation" home page (http://ec.europa.eu/yourvoice/consultations/index_en.htm).

One of the legal issues identified at an early stage in the project related to potential problems with the availability of information that the EC must furnish within the framework of its eConsultations policies⁵⁹, for example affecting the time available for people to respond to a consultation (normally eight weeks) or the advertising and publicity required to promote the consultation.

Other key legal issues concern data protection and privacy policy regarding the data collected and processed by the IPM process. To help overcome obstacles that may arise in this area, the Data Protection Officer (DPO) of the European Commission is always informed about all open consultations, including details about the purpose of the collection of data and any significant changes during the consultation process. Furthermore, only a few EC officials are in charge of the portal's database, under the control and monitoring of the DPO. The design of the system also incorporates various measures to support effective data protection procedures, as discussed in the next section.

Project Design

Consultation environment

Your Voice in Europe consists of two main Internet-based instruments: the 'feedback' and 'online consultation' mechanisms. These enable the European Commission to collect feedback directly from citizens, consumers and businesses, in order to better understand how they perceive EU policies and to learn from their experience.

The Feedback Mechanism consists of the network of about 300 intermediaries who help the different DGs to collect spontaneous information from citizens and businesses about their views on various EU policies and to record them in the Commission's Feedback database. As indicated earlier, this has led to many consultations, and several DGs have already started to use it as an input for policy making.

The 'Online Consultation Mechanism' enables the creation of online structured questionnaires for completion by citizens, businesses or consumers to give feedback to the relevant DG on a particular policy-related issue.

The IPM consultation tool used by this portal is an online questionnaire management system developed by the Commission's Informatics Directorate (DIGIT) to help undertake eConsultation data collection and analysis across EU Member States. It allows the consultation process to be fast and efficient, with results made available to participants and policy makers more quickly. The software for this is Internet-based and consists of a number of modules that manage the life-cycle of online questionnaires: creation; translation; test; launch; and analysis of results.

Privacy and data protection

Each Your Voice in Europe consultation questionnaire includes a formal "Privacy Statement"⁶⁰, which is monitored by the Data Protection Officer of the service. This mentions relevant information about "users" of the consultation process, such as: "what personal information" is collected; "for what purpose"; "through which technical means"⁶¹; the people who "have access" to that

⁵⁹ See The European Commission (2001a) White Paper on European Governance and related European Commission (2002b; c) Communications.

⁶⁰ See the 'Privacy Statement' applied for all eCommunications, available at: http://ec.europa.eu/information_society/policy/ecomms/info_centre/documentation/public_consult/privacy_statement/index_en.htm

⁶¹ This follows the requirements of the Directive 95/46 of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:EN:NOT>) and the Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001R0045:EN:NOT>)

information; to whom it is “disclosed”⁶²; and the measures of protection employed⁶³. There is also information formally available on “how to verify, modify or delete” the processed data. This is not done by direct access to the personal data stored in the database, but through the intermediary of the “controller of the file” (normally each DG manages its own data). This statement must be completed before any data can be included in the database.

In order to provide an efficient service to the DGs, personal data normally remains in the database until the results have been completely analysed by the concerned services, in accordance with information explicitly provided by the statement. The data will then be rendered anonymous when they “have been usefully exploited”, after one year for Your Voice in Europe but more generally up to three years from the end of a consultation⁶⁴.

Users also identify themselves by completing a form that includes relevant details (e.g. whether they have external funding related to the consultation, in order to identify possible lobbying groups). Participants in a “stakeholders consultation” that targets specific groups and experts with a special understanding of the issues being addressed must be a representative of the relevant field⁶⁵. Approval by the concerned DG of the “legitimacy” of a person or group could allow the identification of “regular consulters” in that area. A DG can also refuse an application for consultation if it is deemed “inappropriate” (e.g. if it includes criticisms expressed in an unacceptable manner).

The portal enables “active transparency” in consultations conducted through it by giving online access to their results, via links to the originating DGs’ websites where relevant remarks and criticisms are published.

The Commission usually provides an explicit response by means of mechanisms like ‘Green Papers’ or ‘Communications’. The lead DG must provide a “good reason” if a targeted stakeholder consultation is undertaken, with the option of publishing results of such consultations to a wide public outside these stakeholders groups.

Impacts of Your Voice in Europe

As the structure of this portal’s activities involves the many intermediaries identified above in the Jurisdictional Context section and targets a wide variety of stakeholder groups, it was difficult for this study to contact a representative set of stakeholders other than EC Officials with direct responsibilities for the website and for monitoring its performance. The views of these officials were obtained by telephone and direct interviews, which form the basis of many observations here about the impact of the system. The study’s researchers have also made their own assessment of the usability of the system.

A window for the European Commission on eConsultation in Europe

In practice, Your Voice in Europe has acted especially successfully as a web “window” for the European Commission and the DGs, who have used it to gather information on all open consultations within their responsibility. DGs have found it to be of great assistance in publicizing their open consultations to citizens, businesses and other European institutions. The Secretariat

lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&Iq=EN&numdoc=32001R0045&model=guichett).

⁶² Normally, the data collected are analysed only by the DG in charge of the consultation. If it is to be shared with other Commission services, specific information on this must be provided (and people have to give their explicit consent on it). The EC does not share data with third parties for direct marketing.

⁶³ After the submission of a form, the replies are recorded in a secured and protected database hosted by the Data Centre of the European Commission (together with the stakeholder’s chosen language used for drafting the reply). This is not accessible from outside the Commission. From within the EC, the database can be accessed only by authorised people using relevant identification and password controls.

⁶⁴ This was used, for instance, in the “privacy statement” available for the consultation open until 31 March 2007 on the Green Paper: “Modernising labour law to meet the challenges of the 21st century” at:

<http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=labourlaw&lang=en>

⁶⁵ Usually subject to a random control by the Secretariat General.

General has used it to assist in controlling the effective application of European rules, in consultation with the different DGs. The many consultations open to the broader public and specific stakeholders conducted through the portal since 2001⁶⁶ have focused mainly on the European legislative process (e.g. opinions about Green Papers, amendments of Directives, draft legislation for White Papers, etc).

The EC stakeholders interviewed for this case study generally see this project as a successful tool⁶⁷ for the DGs and Commission, with around 10,000 visitors per day. It has been especially useful when inputs are required from targeted groups⁶⁸ in almost all geographical areas affected by the EU document or policy field at the centre of the consultation.

The portal's use as a visible tool of good internal coordination is reinforced by conformance to the Commission's Minimum Standards on Consultation. The Secretariat General is responsible for monitoring the application of the Minimum Standards for Consultation. DG Internal Market runs the overall IPM initiative. Plans are being considered to extend IPM to all EC services.

eConsultation limitations of Your Voice in Europe for citizens and businesses

In comparison with traditional consultation media, the use of online eConsultation channels should aim to facilitate participation by citizens and businesses, as well as being useful to the Commission in reducing the time and costs involved in gathering and analysing the results. For example, an online consultation can be based on a structured questionnaire available in every official EU language, with results also presented in the desired languages.

The portal could be also a useful tool of investigation outside the EC, as it offers direct access to the consultations and their results, which would help the Commission to monitor how EU policies work in practice across Europe⁶⁹. The Commission can also launch other consultation strategies to go further into the issue addressed by the consultation (e.g. by organizing public meetings and conferences). Together, these activities can contribute substantively to the development of proposals by the Commission (e.g. as Communications, Green or White Papers) to assist the European Council and European Parliament take final policy decisions.

However, this study had insufficient input on how external users perceived this tool of eConsultation. Nevertheless, from the research we have undertaken we have found that the

⁶⁶ See http://ec.europa.eu/yourvoice/consultations/index_en.htm for current and past consultations. In early April 2007, there were about twenty open consultations covering topics as varied as excise duty, a European Strategic Energy plan, EU maritime policy and European free phone numbers. For instance, the 'Public Consultation on the identification of services of social value in Europe that could benefit from single European free phone numbers starting with 116' by DG Information Society was open to the broader public until 20 May 2007. "Interested parties" were invited to provide their "views, suggestions and relevant information". On 2 April 2007, a Consultation Document giving necessary information about the consultation process was made available in three EU official languages (English, French and German). Citizens are invited to send the consultation response by e-mail or by fax. The outcome, such as any updating of the list of reserved free phone numbers, will be published in the Official Journal of the European Union. See http://ec.europa.eu/information_society/policy/ecom/info_centre/documentation/public_consult/index_en.htm#116 for more on the "free phone consultation".

⁶⁷ Described as even a "perfect" tool by one EC official.

⁶⁸ Such as Members of the European Parliament; representatives from Member States; Member State administrations; international organizations; local and regional authorities; NGOs; trade unions; business associations; academic institutions; and individuals.

⁶⁹ See, for instance, a large scale consultation in 2005 of 'Young People in Europe: Promoting Active Citizenship and Implementing the European Youth Pact' carried out by the DG for Education and Culture, Youth Policies Unit (see http://ec.europa.eu/youth/youthweek/intro_consult_en.html). This was launched via the European Youth Portal and conducted through Your Voice in Europe. It consisted of an online questionnaire in 19 EU languages and was open to "all interested young people and organizations". Information on the main issues for discussion on future developments in EU youth policy was presented, with respondents invited to express their opinions and comments on the proposals. In total, 3874 replies were received from 32 countries. Statistical analyses and a comprehensive report assessing the results were made available through Your Voice in Europe. They were also communicated to European and national authorities responsible for youth policy development during the European Youth Week in Brussels in December 2005.

generally positive assessments of this portal from EC officials summarized above need to be balanced by some observed limitations:

- For instance, it is clear that the website is not as 'user friendly' as it could be (e.g. the failure to update certain links resulting in 'dead' links; the relative 'invisibility' of the portal for the EC's outside environment⁷⁰, which further emphasizes its primary use internally within the Commission; and what some see as a rather insipid, unappealing design).
- The consultation process could also seem intimidating to some citizens. For instance, some consultations require the downloading of substantive official documents to give background to an issue. A variety of different forms of consultation channel are used for feedback, such as by online questionnaire, email, postal 'snail mail' and fax. But it isn't clear which methods are appropriate for which type of consultation.
- Measuring the success of consultations from the user's point of view is also difficult, as just having broad statistics like the number of 'hits' per day on a website are not sufficiently fine-grained to determine who is using what and how they are using it. DG Internal Market could not provide details statistics on the nature of visitors to the portal (e.g. whether they are DG officials, intermediaries, private persons, etc). There are, however, indicators that suggest at least some website facilities are underused (e.g. in early April 2007, the last online "chat" with an official had been undertaken almost 19 months earlier, on 12 September 2005).
- The focus of the portal to date on its use by EC's institutions and services has to some extent limited its availability and usefulness to people outside the Commission. Its Internet-only capability and the nature of its user interface design and choices also restrict its value to those who are not yet web connected or who find difficulty using the portal. For example, some EU languages are not available for all consultations, even when consultations have complementary offline channels (e.g. with the help of intermediaries).

Factors affecting this case of significance to wider eGovernment initiatives

The Seven Barrier Categories

The Breaking Barriers Project, funded by the EC, identified and explored the key barriers to eGovernment in Europe. The project team proposed seven key barrier categories of obstacles to eGovernment progression. The categories are intentionally broad and tied to a multitude of more specific barriers relevant at different governance, institutional and jurisdictional levels. This categorization is particularly valuable when discussing the barriers relevant to this case which may have relevance for other eGovernment initiatives. In summary the barriers are: leadership failures, financial inhibitors, digital divides and choices, poor coordination, workplace and organizational inflexibility, lack of trust and poor technical design⁷¹.

The following are the main issues that arose during the implementation of Your Voice in Europe of relevance to the seven key barrier categories identified by the Breaking the Barriers to eGovernment project (no new barriers were detected in this case study outside these categories).

Leadership failures: There was strong Commission leadership of the project by the Secretariat General and individual DGs, in a spirit of close collaboration⁷². However, this leadership has also tended to emphasized the internal benefits to the Commission, and such leadership is not clear outside the EC in terms of impacts on targeted groups or broader public interests.

⁷⁰ For example, during one interview with an EC official we could not find the Your Voice in Europe by means of other EU websites (e.g. EUROPA service), although this problem was subsequently resolved.

⁷¹ For more details about the Breaking Barriers to eGovernment project please see <http://www.egovbarriers.org>

⁷² This has been assisted by the role played by Mr. James Gray of the DG Internal Market, who is in charge of the good working of the portal.

Financial inhibitors: This has not been a barrier for this project in providing the internal service to the EC, as the Commission and individual DGs have given sufficient financial support to ensure an excellent service. However, it is not clear if the many related intermediaries benefited from a coherent policy for funding external consultations to reach the public and targeted groups.

Digital divides and choices: A number of obstacles have arisen in this category: the portal's non user-friendly design aspects; its relative 'invisibility' outside the EC's environment; the availability of Your Voice in Europe only as an Internet-based channel; and confusion arising from the numerous other eDemocracy-related European portals and websites.

Poor coordination: The strong leadership has helped to avoid significant coordination problems within the Commission and improve efficiency. However, it has been difficult to assess how effective cooperation has been with external bodies, groups and individuals.

Workplace and organizational inflexibility: Within the EC, there were no significant problems with workplace or organizational inflexibility, particularly as officials have been given continuous training on the IPM initiative, minimum standards on consultation and related factors. Again, the implications for intermediaries are not clear.

Lack of trust: The Commission's leadership has helped minimize trust concerns by offering guarantees of transparency and effective data protection.

Poor technical design: The poor user interface has been the most significant technical design obstacle.

Relative influence of eGovernment challenges

On a 100% scale, the following are approximate relative levels of influence on Your Voice in Europe of some key factors that could affect eGovernment projects:

- Political, administrative and organizational (50%): the implementation of such portals at the national levels depends mainly on the political motivation to increase awareness and transparency on the governments' consultation procedures. The lack of coordination and leadership in this field are the main barriers to be overcome in the future. Moreover, the general "hierarchical" structure of national public administrations implies that a kind of "top" leader (as the Secretariat-General in this case) assumes the monitoring and the control of such portals, in order to ensure updated information and continuous civil servants training on the tools. There must be also strong political will to take then into account the results/the answers obtained by those consultations. Further efforts should be undertaken in order to avoid that such portals at national level become only "internal" tools for public administrations, as it seems to be the case of the Your Voice in Europe portal.
- Legal (20%): This is related mainly to personal data protection, public information regulations, digital signature rules (to guarantee effective authentication and identification tools) and database regulations.
- Financial (10%): clear conditions for the financing of such eParticipation tools must be adopted by national eGovernment plans, in order to be sure that such tools exist but that they are also used by national legislators or eConsultation "instigators" in an effective way. Clear updated monitoring of all the processing operations should also be taken into account in those budgets.
- Social and economic (10%): This related primarily to the take-up of the eParticipation services developed. There is always the need to do not contribute to increase the digital divide within civil society, and above all when such "democratic" matters are at stake. Broader political considerations are needed to overcome these problems. Privacy's concerns must also not be forgotten at all.
- Technological issues (10%): such portal's tool must be interoperable by all stakeholders implied in the eConsultation process. The EC model seems not to be a user-friendly model to be followed by national actors (see Poor technical design barrier above mentioned).

National (or even local) pilot projects should be tested before to launch a general portal like Your Voice in Europe.

Conclusions

Your Voice in Europe is a significant element in the EC's eConsultation policy, particularly as a source of 'eInformation' on consultations carried out by the Commission and in enabling DGs to take account of EU citizens' needs in a wide range of policy fields. This is contributing to meeting the need for greater coherence among the various elements of the EC in their external relations with citizens and business, by addressing through eConsultation processes the real needs of stakeholders and other EU public administrations at different levels.

Its design as a 'single access point' portal exemplifies the European Commission's wider strategy of seeking to channel access to public information through coordinating gateways to facilitate and simplify that access.

Consultations handled via this portal seem to have already provided valuable advice in many fields, and have been duly taken into account in drafting Commission proposals for new policies⁷³. Moreover, this study suggests it has been an excellent tool of eConsultation for public officials at a pan-European level which is easily transferable to national levels in each EU Member State.

The main weak points identified concern the portal's use and impact outside its internal Commission users, such as poor user friendliness and external visibility.

This could be a challenge to the effective transparency of the Commission's policy-making process in reaching EU citizens and businesses. There is therefore a need for a more systematic approach to assessing the value of consultations to the public, including research and guidelines to help identify the most appropriate approaches and channels to use for different forms of consultation. An important focus of such impact assessments should be on how Your Voice in Europe is perceived by users from outside the EC. This could help to make the portal even more valuable as an aid to better democratic engagement in Europe.

Addressing these weak points effectively and efficiently would be an important further step towards fulfilling a key goal in related EU policy documents and regulations: to open the EU policy-process to all European citizens and businesses, using eConsultations to better meet the needs of all stakeholders.

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⁷³ For further information about outcomes, see: http://ec.europa.eu/yourvoice/consultations/index_en.htm (and click on 'Results and Follow-up view').

European Commission (2002a), Communication on European Governance: Better Lawmaking, COM(2002) 275, final 5/6/2002, http://eur-lex.europa.eu/LexUriServ/site/en/com/2002/com2002_0275en01.pdf

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Conclusion: using ICTs for public engagement

Through an in-depth analysis of available policy documents and related literature, and from conducting the case studies above, leadership, financial planning, digital divides, coordination, data protection, authentication and identification and innovative use of technology have been identified as factors that might significantly influence the outcome of eConsultation initiatives in Europe.

Key success factors for eConsultation projects seem to include the presence of clear-cut goals, adequate planning and preparation of the initiative, and the innovative use of technology to reach out to as many citizens as possible. Adequate political leadership not only in terms of having key people willing to drive the initiative, but also in terms of framing and acting upon a definite plan within an appropriate legal framework is essential; as is good coordination both within government and between government, citizens, business and user representative groups. Part of the planning process is to consider the finances required to start and run the initiative, which is very important in determining and ensuring the long term sustainability of a project.

There is a tendency for eConsultation initiatives to be project-based and relatively self-contained. While this can help mitigate the potential barriers to their development, particularly co-ordination, it can also limit their value to democratic participation, if they are not incorporated into the routine of policy-making. The continued success of the UK ePetitions project, for example, will probably rest on the perception that popular petitions are actually making a difference in terms of influencing policy-making, but there is little evidence so far to suggest that this will be the case.

Legal barriers and inconsistencies, political apathy amongst citizens and problems of digital and social exclusion are still very much stumbling blocks that governments need to contend with. Significant legal areas which impact the success of a project include data protection and privacy laws which directly affect the manner and degree to which electronic data may be collected, stored and used by the government, and defines the purposes it may be used for. Secondly, authentication and security issues are important as they can impact trust in government and influence participation, both through ensuring the protection of citizen identity while at the same time not placing excessive burdens on users of the system. While not prevalent in the case studies above Freedom of Information Acts and Ordinances which define the conception of information within the country's legal framework, which in turn defines the way in which data may be collected and used are relevant here. A fear of liability on the part of government officials who are apprehensive of using technology and participating in initiatives which might bind them to a course of action or open them up to attack from the citizenry without adequate legal protection could also be an important issue to address.

The emergence of new, principally web-based media – also known as 'social software' or 'participative media' – such as blogs, forums and webchats, is altering the old relationship of

government as the single broadcaster of information and the public as the passive consumer of that information. All these forms of Web 2.0 media, which support user-generated content and are inherently network oriented, are instead resulting in a rethink and a recasting of the 'user' as an active participant and even a producer of content – one who uploads as well as downloads information. In this context, the innovative use of Information and Communication Technologies offers up the possibility of new consultation spaces and the potential to increase the breadth and depth of citizen participation in the public sphere. ICT-based engagement may not, in the short-term, replace conventional methods, but can definitely be used to complement them so as to overcome their shortcomings and provide government with new methods and innovative ways in which they might communicate and interact with their citizens.

Any government which chooses to use ICTs to increase public participation will have to anticipate and deal with a number of issues resulting from the technology such as having to deal with increased oppositional, single-issue politics, increased process speeds and needing to find a way whereby 'pertinent' views and opinions are translated into meaningful debate and deliberation. An important question to be asked, therefore, is what makes an eConsultation initiative successful? From the case studies discussed in the paper, the key to successful projects appears to be the ability of Government to combine not only the creative use of new technologies with a balanced understanding of the Internet and of what actually works online, but also to successfully understand citizens and their motivations and be able to anticipate and tackle the (often unrealistic) expectations of technology held by citizens, politicians and the government. To this end, the timing of a consultation is of paramount importance, if held too late in the policy process there will be little policy impact – resulting in backlash against the technology that is not wholly justified. And finally, there is a need to start seeing applications as not simply communication tools but as creators of space, tools and data that already exist and do not need to be created, and governments start focusing beyond the technology and begin engaging with people in the spaces they create.

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