

Section 2: Introduction

The delivery of improved public services and support for active democratic engagement can be enhanced through eGovernment: the use in public administrations of information and communication technologies (ICTs), such as the Internet, together with relevant associated organizational change and skills development (European Commission 2003). The adoption and implementation of appropriate eGovernment policies and practice in Europe would make a significant contribution to fulfilling the Lisbon Strategy of making the EU “the most competitive and dynamic knowledge-based economy with improved employment and social cohesion by 2010” (European Commission 2002).

However, there are numerous obstacles that can hinder progress towards realizing the promise of eGovernment, as has been recognized within the EU through various related Directives, communications and research initiatives (European Commission 2003; OECD 2003; Australian Government Information Management Office 2003; IPTS 2004). Substantial legal, political, administrative, social, institutional and cultural differences between Member States and regions (Leitner 2003; Graafland-Essers and Etedgui 2003) in the EU make such understanding of the main impediments to eGovernment of particular relevance to the growing number of important public services that seek to span national and regional boundaries. New initiatives are also often needed when rapid technologically-enabled change creates problems by outpacing the evolution of legal and organizational arrangements.

In 2005 a three year study funded by the European Commission, the Breaking Barriers to eGovernment project, was launched. The overall objective of the research was to identify and explore the barriers to eGovernment progression in Europe and suggest organisational, technical and legal solutions to overcome these obstacles. The project team have used four main methods to achieve these aims: a critical review of a wide collection of existing work on eGovernment, a non-probabilistic web-based survey, case study research and engagement with eGovernment experts via a project website, six-monthly workshops, and the creation of an expert group.

This report, Solutions for eGovernment, sets out the solutions proposed by the project team. The report is divided into four parts. In this part the framework and concepts developed and utilised by the project team for this research project is summarised. The second part focuses on organisational solutions, the third part explores the legal solutions and the final part provides a conclusion to the research.

Definition of an eGovernment barrier

For the purposes of this project a barrier has been defined as:

Characteristics – either real or perceived – of legal, social, technological or institutional context which work against developing eGovernment, either: because they impede demand, by acting as a disincentive or obstacle for users to engage with eGovernment services; or because they impede supply, by acting as a disincentive or obstacle for public sector organizations to provide eGovernment services.

The seven barrier categories

The project team have identified 7 key barrier categories which provide a simple guide to an almost infinite list of possible barriers to eGovernment. These were initially developed via an iterative process from analysis of previous work in this area and discussions with experts. The categories were developed and refined through the online survey and case study work carried out by the project team.

The seven barrier categories are:

- Leadership failures: Slow and patchy progress to eGovernment can result from a lack of adequate leadership during any stage in the initiation, implementation, promotion and ongoing support of developments.
- Financial inhibitors: Concerns about the costs of implementing and developing eGovernment, together with inappropriate cost/benefit analysis approaches, can constrain or block the flow of investment at the levels necessary to support future eGovernment innovation.
- Digital divides and choices: Inequalities in skills and access can limit and fragment take-up of eGovernment. Failure to address clearly the needs of potential eGovernment users can also hamper take-up of eGovernment as even those citizens and businesses with appropriate levels of access may choose not to use available eGovernment services.
- Poor coordination: Lack of coordination and harmonization can put a brake on establishing appropriate eGovernment networks and services that cross governance, administrative and geographic boundaries.
- Workplace and organizational inflexibility: The realization of eGovernment benefits can be constrained or blocked by inflexibilities in responding to the need to make necessary changes in public administration practices, processes and organizational structures to allow them to be better able to make appropriate effective use of electronic networking capabilities.
- Lack of trust: Heightened fears about inadequate security and privacy safeguards in electronic networks and a general distrust of government can undermine confidence in eGovernment.
- Poor technical design: Interoperability blockages caused by incompatibilities between ICT systems or difficult-to-use interfaces to eGovernment services exemplify the kinds of practical flaws that can become serious operational obstacles to take-up of what otherwise appear to be valuable eGovernment systems.

The eight legal foundations

The legal context and the ways in which legal frameworks can facilitate or hinder eGovernment developments is a key area of this study. Thus, the project team have identified 8 legal foundations of the 7 barrier categories that can facilitate or block eGovernment progress. They are:

- Administrative law in many European countries that recognizes certain formal guarantees which can create legal ambiguities and obstacles for some eGovernment services.
- Authentication and identification: procedures to check identities of online users, which can become barriers if they are too costly or cumbersome.
- Intellectual Property Rights (IPR): protecting creative works, which can impair flexibility and fairness in some eGovernment applications.
- Liability laws: addressing complex new divisions of responsibility in online relationships between government, businesses and citizens.
- Privacy and data protection rights: facilitating or blocking information sharing in eGovernment activities.
- Public administration transparency: such as Freedom of Information laws that can add costs as well as giving greater access to government information.
- Relationships between public administrations, citizens and other ICT actors: such as a general right to use online services or contractual arrangements between public administrations and ICT suppliers.

- Re-use of public sector information: which can raise complex legal issues when information from networked computer systems and databases can be accessed from different jurisdictional and organizational contexts.

For more details of the barrier categories and legal areas please see a legal and institutional analysis of barriers to eGovernment (deliverable 1b).

The relationship between the barrier categories and the legal foundations

Table 1 illustrates a simplified rating of the significance of the main legal dimensions to the seven barrier categories we have highlighted. This table uses a traffic light system to indicate the level of significance each legal area has for each eGovernment barrier category. From the table it can be seen, for example, that liability and re-use of public sector information are the most significant legal dimensions for financial barriers to eGovernment. More legal dimensions have crucial implications for the lack of trust barrier: authentication and identification; liability; privacy and data protection; and relationships between public administrations, citizens and other ICT actors. We believe this table is useful as it offers some valid broad indicators, but should not be taken as precise and definitive evaluations of what are complex and highly subjective assessments.

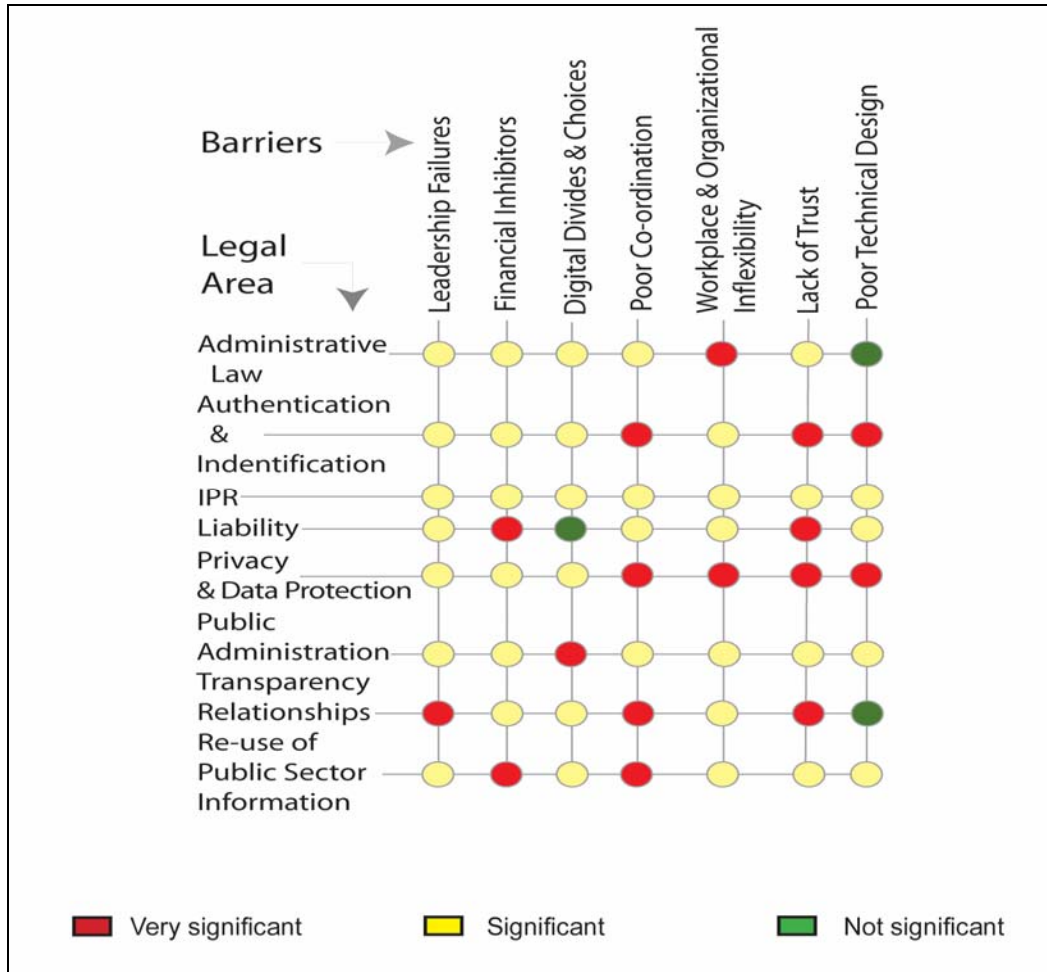


Table 1 Relationships between barriers and legal areas

The development of solutions for eGovernment

The development of table 1 and the research behind it assisted the project team in understanding that each category of barrier to eGovernment is related to most if not all of the 8 legal foundations. Moreover, each legal area, such as IPR, is viewed to be significant to most categories of barriers to eGovernment. Thus, there are no simple 'single-bullet' solutions for defeating the obstacles to effective eGovernment across Europe. On the contrary, the barriers to eGovernment are multiple, interrelated and resistant to change.

The project team have developed one organisational solution for each barrier category and at least two legal solutions for each legal area. The team was not, therefore, aiming to produce solutions to all the potential problems of eGovernment, but to identify a range of tangible solutions to specific barriers.

The organisational and legal solutions were based on first identifying the most important barriers within each barrier category via the reviews of existing work in this field, the online survey, the case study research and discussions with experts. Then, using the findings from the research and the expertise of the project partners the solutions were developed, then discussed with experts, and revised accordingly.

In parts two and three of this document the specific solutions are put forward. In the first, organizational solutions to barriers to eGovernment are presented and in the second the project team's main proposals for actions at European, national, regional and local levels to adapt legal frameworks to facilitate smoother eGovernment progress are summarized. The recommendations indicate who (e.g. European Commission or Member States) should act on the proposals suggested. These recommendations aim to further the objectives of the European Commission's i2010 eGovernment Action Plan: leaving no citizen behind; making efficiency and effectiveness a reality; implementing high-impact key services for citizens and businesses; putting key enablers in place; and strengthening participation and democratic decision-making that were reinforced by the Lisbon Ministerial Declaration of the 19th of September 2007.

References

- Australian Government Information Management Office (2003), EGovernment Benefits Study, http://www.agimo.gov.au/publications/2003/03/e-govt_benefits_study
- European Commission (2002), Communication on eEurope 2005: An Information Society for All, http://europa.eu.int/information_society/eeurope/2005/all_about/action_plan/index_en.htm
- European Commission (2003), The Role of eGovernment for Europe's Future, COM (2003) 567, http://europa.eu.int/information_society/eeurope/2005/doc/all_about/egov_communication_en.pdf
- European Commission (2006), i2010 eGovernment Action Plan: Accelerating eGovernment in Europe for the Benefit of All, Brussels: European Commission, http://europa.eu.int/information_society/activities/egovernment_research/doc/highlights/egov_action_plan_en.pdf
- European Ministers (2007), Ministerial Declaration approved unanimously at the 4th Ministerial eGovernment Conference in Lisbon, Portugal, <http://www.epractice.eu/document/3928>.
- Graafland-Essers, I. and Etedgui, E. (2003), Benchmarking E-Government in Europe and the US, <http://www.rand.org/publications/MR/MR1733/MR1733.pdf>
- IPTS (2004), eGovernment in the EU in 2010: Key Policy and Research Challenges – Workshop Report. European Commission, JRC, Seville, Spain, August, Brussels: Institute for Prospective Technological Studies (IPTS).
- Leitner, C. (2003), eGovernment in Europe: The State of Affairs, http://www.e-europeawards.org/view_extern.asp?id=4706

OECD (2003), the eGovernment Imperative, Paris: OECD,
[http://webdomino1.oecd.org/COMNET/PUM/egovproweb.nsf/viewHtml/index/\\$FILE/publications.htm](http://webdomino1.oecd.org/COMNET/PUM/egovproweb.nsf/viewHtml/index/$FILE/publications.htm)