

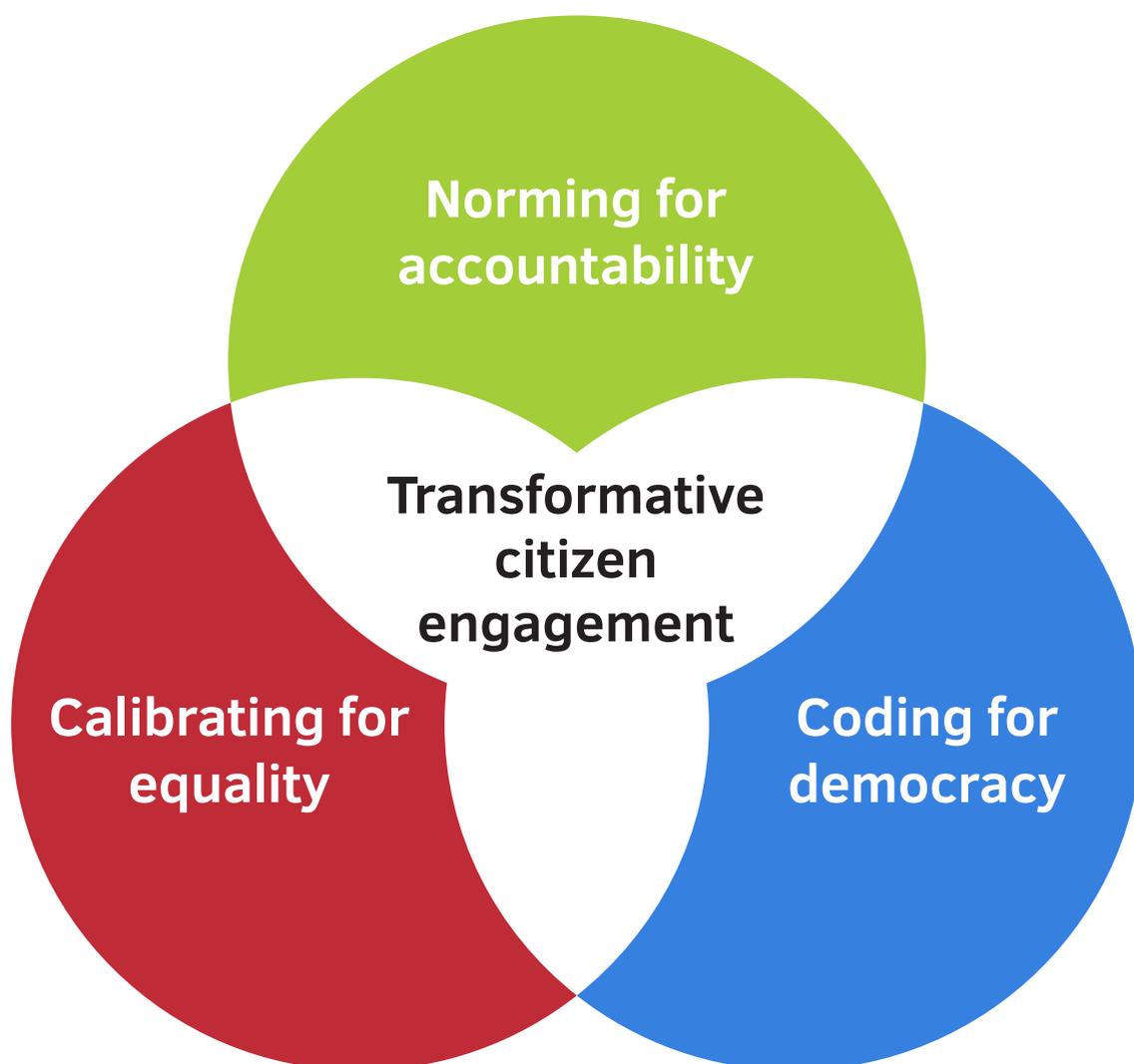
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MAKING ALL  
VOICES COUNT

RESEARCH REPORT

A GRAND CHALLENGE  
FOR DEVELOPMENT

# Voice or chatter? Making ICTs work for transformative citizen engagement



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# Summary

What are the conditions in democratic governance that make information and communication technology (ICT)-mediated citizen engagement transformative? While substantial scholarship exists on the role of the Internet and digital technologies in triggering moments of political disruption and cascading upheavals, academic interest in the sort of deep change that transforms institutional cultures of democratic governance, occurring in ‘slow time’, has been relatively muted.

This study attempts to fill this gap. It is inspired by the idea of participation in everyday democracy, and explores how ICT-mediated citizen engagement can promote democratic governance and amplify citizens’ voices. Digital choices for democracy can empower or disempower citizens; they can present citizens with real alternatives for equality, thereby deepening democracy, or prove costly for both individual citizens and the polity as a whole.

Carried out by IT for Change, the study adopted a comparative case study methodology, building its analysis on empirical explorations of ICT-mediated initiatives in eight countries. In each country, a specific digital citizen engagement initiative was selected as an aid to understanding the historical evolution and particular institutional context of e-participation, through the interplay between structures of governance and citizen agency.

Through government-end and citizen-end analyses, this report presents emerging insights from the in-depth exploration of these case studies, informed by structuration theory. Reflections on future directions for public policy interventions lead to recommendations viewed as three facets of transformative citizen engagement: norming for accountability (the need for laws and policy frameworks); calibrating for equality (e-participation as a right); and coding for democracy (techno-design as socio-political).

## Key themes in this paper

- Institutional norms
- Democratic governance
- ICT-mediated citizen engagement
- Techno-design and techno-spaces producing and shaping citizen engagement
- Citizens’ digital practices remaking digital democracy
- Structuration theory
- Right to be heard

# 1. Introduction

## 1.1 Background and rationale

What is the democratising potential of the Internet and of information and communication technologies (ICTs)? This has turned out to be a critical point of debate for efforts seeking to decode political transformation in digital society, in both academia (Shirky 2008; Diamond 2010; Morozov 2011) and mainstream media (Gladwell 2010; Purrier 2017).

Digital technologies have enabled the emergence of translocal and transnational publics, facilitating horizontalised, de-territorialised communication (Frissen 2002), catalysing new rhizomatic forms of political action (Castells 2015), and substantially lowering the costs of asserting citizen voice (Shirky 2008).

But mapping the implications of these shifts for the future of democracy is a completely different matter, one about which evidence is still very mixed. On one hand, social movements such as the Arab Spring, the 15-M movement (*los Indignados*) and Occupy Wall Street demonstrate that the contagion of networked communication triggers moments of disruption (Castells 2015). These movements force us to look beyond techno-scepticist theories (Bimber 2003) that see no discernible impact of digital technologies on patterns of political participation. On the other hand, faith in the innately democratising potential of new media-enabled cascades of collective action (Shirky 2008) would be misplaced given the “high velocity, high one dimensionality and high superficiality” cultures of populist politics in capitalist democracies, exemplified by developments such as the rise of “Trumpology” (Fuchs 2017).

There is an ever-increasing body of work on the role of ICTs in triggering moments of political disruption. However, academic interest in deep change, transformative of institutional cultures of democratic governance, occurring in ‘slow time’, has been relatively muted. Largely, empirical research in the latter area has focused on the mutual reshaping of citizen agency and governance structures in ICT-mediated dialogue and consultation processes, and their implications for democratic accountability (Häyhtiö and Keskinen 2005; Wright and Street 2007; Kingston 2007; Fox 2015; Gigler and Bailur 2014). This body of research has focused mainly on exploring the specific combination of technical and political factors that enable the resocialisation of citizen participation in ICT-mediated citizen engagement initiatives to produce democratic outcomes. The studies indicate that the political choices in the design of such initiatives are key to determining their impacts (Wright and Street 2007; Kingston 2007; NDI 2013; Gigler and Bailur 2014). For

example, a 2013 case study on technology and citizen participation by the National Democratic Institute, that examined specific citizen engagement initiatives across seven countries in Asia, Africa and Latin America, concluded that:

“Technology can be used to readily create spaces and opportunities for citizens to express their voices individually or collectively, but making these voices politically stronger and the spaces more meaningful is a harder challenge that is political and not technological in nature... For a technology intervention to have the desired impact, it may require the development of clear political goals, opportunities for leadership development, substantive work with intermediary groups, and for relationships with public officials to be fostered and established – all of which take time and resources.” (NDI 2013)

Similarly, Gigler and Bailur (2014) note that:

“a key champion, political support, strong intermediaries, low cost or existent technology are critical factors [in the success of such initiatives]. However, the evidence... also demonstrates that the challenges of elite capture, scale-out, gaps between design and reality and sustainability of pilots still exist.” (Gigler and Bailur 2014)

Peixoto and Fox (2016), in their exploration of 23 ICT platforms that seek to leverage citizen voice for improving service delivery, go further by trying to map the exact conditions under which ICT-mediated voice “can trigger teeth” (institutional responsiveness). The authors found that such platforms increased the capacity of policy-makers and service providers to respond to citizen concerns in contexts where the latter were already willing. But the tantalising question of how ICT-enabled voice platforms can become more effective in changing the incentives that influence whether or not agencies are willing to respond to citizens remains unaddressed (Peixoto and Fox 2016).

Existing scholarship has only scratched the surface of the debate on how mediation and aggregation of citizen voice through technological innovations furthers democratic accountability and the in-depth evidence base in this area remains “insubstantial and patchy” (McGee, Edwards, Minkley, Pegus and Brock 2015). What this means is that, despite an exciting body of emerging research, not enough is known about the conditions that make ICT-mediated citizen engagement transformative for democratic governance, an analysis shared by Aichholzer and Allhutter (2011) in their systemic review of e-participation literature:

“Does e-participation matter?... Overall, after reviewing a substantial sample of the relevant literature on hypotheses and existing empirical evidence reveals a quite contradictory picture. On the one hand many studies come to findings which support various elements of the democracy improvement and mobilization hypothesis... On the other hand many findings support the ‘reinforcement politics hypothesis’. To adjudicate to what extent impacts live up to expectations of stimulating and reviving civic engagement and democratic practices, *existing evidence from empirical studies is too inconclusive*. Advancing the state of knowledge requires above all methodological progress in empirical research based on elaborated evaluation frameworks and comparative research designs.”<sup>1</sup> [emphasis added]

For Aichholzer and Allhutter (2011), the inconclusiveness of evidence on the impacts of e-participation reveals design flaws in the analytical frames that are used to interpret findings from field research. They explicitly flag that the two dominant frameworks used in this domain, the ‘mobilisation’ hypothesis and the ‘reinforcement politics’ hypothesis, fall into the epistemic traps of social and technological determinism, respectively. Another lacuna flagged by the authors is existing studies’ overwhelming focus on individualist activism, and the neglect of ICT-mediated deliberative engagement. There is a privileging of the study of agency in the literature, which can be attributed partly to researchers’ fascination with digital-age upheavals, such as the Arab Spring and the Occupy movement, and readings of these as political phenomena; and partly to the particular historical trajectories of theory development in this domain.<sup>2</sup> However, agency-centric mapping cannot adequately explain how continuities / discontinuities between legacy and ICT-mediated governance regimes redefine citizen engagement in its relationship with outcomes for democratic governance. Addressing this knowledge gap is a key priority for the research, evidence and learning strategy of Making All Voices Count (McGee *et al.* 2015: 25).

The rationale for this research also comes from the particular location of the research coordination team at IT for Change, the organisation that developed the framework and undertook the research. As an epistemological endeavour, this research project is very much part of the organisation’s trajectory in

promoting civic participation in the information society. We have advocated for digital capabilities for the most marginalised, asserting that glib references to empowerment are eschewed in favour of a political and situated idea of citizenship adequate to the information age. Our approach to voice for those at the margins proceeds from a normative conception of citizen participation in democracy, curious and critical about the possibilities and pitfalls of digital technologies and their intertwining with social systems. The research framework has been developed with careful attention to institutional implications of ICT mediation, adopting a nuanced approach that explores institutional pathways to a better democratic future in digital times, avoiding easy slippage into determinisms, technological or social. We believe that this disclosure of our subject position as researchers provides a background to the choice of theoretical and analytical approaches for this research.

## 1.2 Research framework

The core question guiding this research study is: under what conditions does ICT-mediated citizen engagement support and promote democratic governance? ICT-mediated citizen engagement is defined by this study as comprising digitally mediated information outreach, dialogue, consultation, collaboration and decision-making, initiated either by government or by citizens, towards greater government accountability and responsiveness. Instead of viewing citizen engagement as a ladder, representing a hierarchical continuum of engagement, this study recognises that in practice different forms of ICT-mediated citizen engagement exhibit varying degrees of intensity and “co-exist and overlap, forming numerous interactions between governments and people related to the prevailing socio-cultural and regulatory contexts of each country” (UNDESA 2016).

Dovetailing with discourses of transparency and accountability, the idea of citizen participation has gained currency since the 1990s as an important principle in democratic governance: the “system of government where institutions function according to democratic processes and norms, both internally and in their interaction with other institutions (OSCE n.d.). Democratic governance may also be seen as a practice comprising the myriad ways by which societies reach consensus on rules, laws and policies in the pursuit of their social goals (including welfare, social

<sup>1</sup> While the mobilisation hypothesis suggests that the level of Internet coverage and the degree to which ICTs are used in a society have positive / negative impacts on political participation, the reinforcement politics hypothesis emphasises the persistence of existing social and political structures.

<sup>2</sup> Such agency-centrism is also a hallmark of the study of technology and society in general, and characterises efforts at theory-building, including those that attempt to move beyond techno-determinism and social determinism. For example, actor-network theory in the science and technology studies tradition has tried to adopt a constructivist approach, focusing on the materiality of technological artefacts and devoting equal attention to human and non-human constituents of networks. But the approach is still based on overvalorisation of agency, including in the extension of agentic properties to digital technologies.

justice, equal opportunities and environment). As governance thinking was rebooted in the e-government era, e-participation – the potential for enlisting citizen engagement through digital avenues and arrangements – entered policy formulations and the academic lexicon.

In view of the knowledge gaps in contemporary studies of voice and citizen participation, this study seeks to examine how varying forms of ICT-mediated interactions between citizen-agents and governance institutions “continuously shape, reproduce and modify institutionalised social structures in governance” (Porwol, Ojo and Breslin 2013). Using a case study methodology, it builds on empirical explorations of specific initiatives across nine sites: two in Africa (Kenya and South Africa), two in Asia (India and the Philippines), two in Europe (the Netherlands and Spain) and three in South America (Brazil, Colombia and Uruguay).

### Theoretical approach

By paying equal attention to the place of human agency on one hand, and institutional structures of governance on the other, this study seeks to examine the workings of ICT-mediated citizen engagement systems. A large body of theoretical work has rejected deterministic readings of digitally mediated practices and phenomena. Techno-deterministic approaches negate the historicity and institutional embeddedness of digitally mediated events, while socially deterministic approaches risk occluding the distinctive digital imprints co-constituting social occurrences in the contemporary moment. Knowing how change is constructed in the inevitable intermeshing of technological artefacts, communicative flows, material conditions, discursive contexts and human action can be useful to locate institutional choices that support the conditions for transformative change.

Therefore the theory of structuration, developed by British sociologist Anthony Giddens, was chosen for this study. The central premise of the theory is that “individual actions, interaction, and the social system are reciprocally active and not independent of each other” (Giddens 1979, 1984; Ling-hsing Chang 2014). The theory’s key points and relevance to the study of ICT-mediated citizen engagement, and the specific ways in which it has informed the development of the analytical matrix for this study, are discussed below.

### Structuration theory: key concepts

The theory of structuration is a ‘second-order theory’ that is concerned not with “theorizing the unique (i.e. with explaining the events or contingencies of particular periods or places), but with conceptualizing

the general constituents of human society” (Gregson 1989: 134, cited in Jones and Karsten 2008). Its focus is on evolving an effective ontological approach to understanding the reproduction of social systems, going beyond the twin traps of a solipsist subjectivism that ignores structural aspects and an imperialistic objectivism that leaves no room for human agency. In particular, it focuses on tracing the key features of the circuits of reproduction that enable the patterning of social relations across time and space, lending them systemic form (Giddens 1984). In this view, social reproduction is not a mechanical process that reproduces the status quo in social relations. On the contrary, it is a recursive process shaped by the interplay between human agents and structural properties of the social system, that is “its structured features, especially institutionalised features stretching across time and space” (Ibid.: 377). The rules and resources of the production and reproduction of social systems that are implicated in this recursive process are termed “Structure” (Ibid.: 24). Structure has two aspects: codes of signification and normative rules. Codes of signification may be interpreted as “the rules of social life... techniques or generalizable procedures applied in the enactment / reproduction of social practices” (Ibid.: 21). Normative rules refer to the formal codes of conduct that shape the relations of rights and obligations between those involved in social interactions (Ibid.: 30). Thus the two sets of rules “relate on the one hand to the constitution of meaning, and on the other to the sanctioning of modes of social conduct” (Ibid.: 18).

The resources aspect of Structure comprises “authoritative resources, which derive from the co-ordination of the activity of human agents, and allocative resources, which stem from control of material products or of aspects of the material world” (Ibid.: xxxii). Thus Structure as “organised sets of rules and resources” is present only as memory traces and is not an external object out there in time and space; it is marked by “the absence of a human subject” (Ibid.: 24).<sup>3</sup> However, situated actors / human agents draw on these rules and resources in “a diversity of action contexts”, recursively implicating them in the production and reproduction of social systems, a process that Giddens terms structuration (Ibid.: 25). The constitution of agents and social systems is not cast as two independent sets of phenomena, a dualism; but instead is analysed as a duality. In Giddens’ own words, the duality of Structure that is at the heart of the theory of structuration is as follows:

“According to the notion of the duality of Structure, the structural properties of social systems are both medium and outcome of the practices they

<sup>3</sup> Note that in Giddensian parlance, Structure with a capital S is not to be confused with structure with a lower case s, commonly used in the social sciences to refer to the “more enduring aspects of social life”, such as institutions (Ibid.).

recursively organize. Structure is not 'external' to individuals: as memory traces, and as instantiated in social practices, it is in a certain sense more 'internal' than exterior to their activities... Structure is not to be equated with constraint but is always both constraining and enabling. This, of course, does not prevent the structured properties of social systems from stretching away, in time and place, beyond the control of any individual actors. Nor does it compromise the possibility that actors' own theories of the social systems which they help to constitute and reconstitute in their activities may reify those systems... Even the crudest forms of reified thought, however, leave untouched the fundamental significance of the knowledgeability of human actors. The knowledge of social conventions, of oneself and of other human beings, presumed in being able to 'go on' in the diversity of contexts of social life is detailed and dazzling." (Giddens 1984: 25–26.)

Thus, even as it stresses the need to pay attention to the constraining and enabling role of Structure, structuration theory does not attribute to the processes of reification any inevitable influence on agency. In fact, it takes great care to stress the inherent knowledgeability of human agents, stemming from their tacit knowledge of how to operate in diverse contexts of social life, even if at times they are not able to give direct discursive expression to this knowledge, in other words, their "practical consciousness" (Ibid.: xxii). The Giddensian model of agency is that of an actor self-engaged in reflexive monitoring of her activities and that of others in contexts in which she is involved, and continually testing and recalibrating the grounds of her action through an ongoing process of rationalisation. Giddens also offers a stratification model to interpret the acting self that stresses three levels of cognition / motivation: discursive consciousness / actors' awareness of their actions, which has a discursive form; practical consciousness / the tacit knowledge that actors possess about the conditions of their actions, even if they are not able to give this discursive form; and the unconscious.

This model highlights that the role of practical consciousness in shaping agency should not be discounted. It also cautions against readings of agency that overemphasise motives, highlighting that unconscious motivations often play a significant role in shaping human conduct. Hence for Giddens, "Agency refers not to the intentions people have in doing things but to their capability of doing those things in the first place... Agency concerns events of which an individual is the perpetrator, in the sense that the individual could, at any phase in a given sequence of conduct, have acted differently. Whatever happened would not have happened if that individual had not intervened" (Ibid.: 7). Agency thus means the ability to be able to "act otherwise", which means "being able to intervene

in the world, or to refrain from such intervention, with the effect of influencing a specific process or state of affairs" (Ibid.: 14). It is the purposive action of human agents that shapes the *durée* of ongoing social activity. However, since human knowledgeability is bounded, "the flow of action continually produces consequences which are unintended by actors, and these unintended consequences also may form unacknowledged condition of action in a feedback fashion" (Ibid.: 26–27). This is especially common in mechanisms of reproduction of institutionalised practices (Ibid.).

To sum up, "Structure is not independent of agency, nor is agency independent of Structure" (Jones and Karsten 2008: 129). The actions of human agents draw upon Structure and, at the same time, produce and reproduce Structure. It is this ongoing production and reproduction of structure through action over time that links the temporality of the individual with that of institutions (Giddens 1981, cited in Jones and Karsten 2008: 129). The mechanism through which this is achieved is routinisation. For Giddens, day-to-day routines provide "the material grounding... for the recursive nature of social life" and thus sustain social institutions (Giddens 1984: xxiii). Giddens identifies two ways through which routinisation contributes to "regularized relations of relative autonomy and dependence" between social practices (Jones and Karsten 2008: 129). He does this by making an analytical separation between regularisation of social relations through "social integration" or "systemness on the level of face-to-face interaction" and "system integration" or "systemness on the level of relations between social systems or collectivities" (Ibid.). Routinisation is also viewed as "integral to the continuity of the personality of the agent" (Giddens 1981, cited in Jones and Karsten; 129). For it is "vital to the psychological mechanisms whereby a sense of trust or ontological security is sustained in the daily activities of social life" (Giddens 1984: xiii).

Finally, Structuration theory elaborates on the specific ways in which the 'duality of Structure' plays out, by identifying the modalities through which Structure and human agency co-constitute each other (Ling-hsing Chang 2014). For Giddens, the main dimensions of the duality of Structure, which relate the knowledgeability of agents to structural features, comprise the following.

- "Interpretive schemes" or the modes of typification, which are incorporated within actors' stocks of knowledge. They are the shared knowledge that enables the production and reproduction of "structures of signification", which enable meaning-making in social interaction.
- "Norms" or the rules and conventions that produce and reproduce "structures of legitimation", which shape expectations among actors about rights and obligations regarding social interactions in a variety of contexts.

- “Authoritative and allocative resources” that produce and reproduce “structures of domination”, by enabling some actors to assert power over others and manipulate their behaviour. Here power is conceptualised as a duality that is neither a social property nor an agentic possession.

Also, Structures of signification are separable only analytically from structures of legitimation and domination, in the analysis of institutional orders. This is better illustrated through an example, consider the concept of ‘ideology’. For structuration theory, it would be reductionist to consider ideology as a purely symbolic order that is confined to the dimension of signification. This is because ideology cannot be comprehended without recognising that it refers to “those asymmetries of domination which connect signification to the legitimation of sectional interests” (Giddens 1984: 33). Giddens also offers a schema to interpret the workings of these three dimensions of the duality of structure, reproduced in Figure 1.

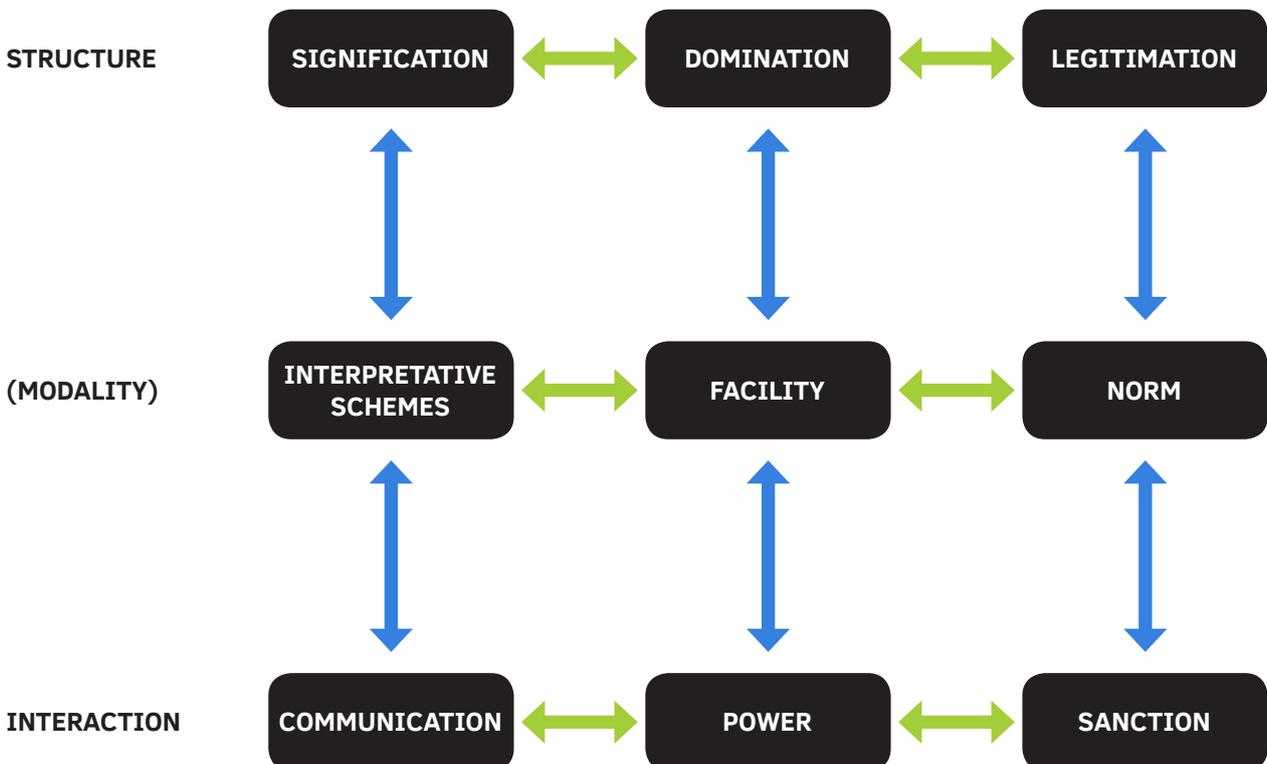
**Structuration theory and ICT-mediated citizen engagement**

The fact that structuration theory is a second-order theory does not exclude its adaptation and application to specific research endeavours. Giddens is of the view that “Structuration theory will not be of much value if it does not help to illuminate problems of empirical

research” (Ibid.: xxix), underlining its easy adaptability to different research traditions.

Research scholarship at the intersections of technology and society, especially information systems studies, has found inspiration in structuration theory despite its “abstract, non-propositional character” (Jones and Karsten 2008:128) and Giddens’ near total neglect of the ‘technological artefact’. This is because: (1) the ‘duality of structure’ framework seems to offer a way out of the twin traps of social or technological determinisms, thus opening up theoretical possibilities to understand techno-social phenomena in context-specific ways; and (2) the theory’s conceptual building blocks are easily adapted to social processes of interest to researchers studying phenomena in digital society (Jones and Karsten 2008). For example, researchers in this study wanted to understand how virtual co-presence relates to interactions between institutional structures of governance and citizens, and what this means for the creation and reproduction of citizen engagement systems in democratic contexts. The prescient observations of structuration theory about “the tremendous expansion of the time-space distancing of social activity in the contemporary era” and implications of this for “the structuring of institutions” (Giddens 1984: 37) seem especially useful in analysing virtual co-presence. Similarly, for Giddens, the “contours of institutional reproduction”

**Figure 1** Dimensions of the duality of Structure



Source: Ling-hsing Chang (2014)

(Ibid.: xv) cannot be understood without recognising its embeddedness in the “situated nature of social interaction”, which means mapping not just “localization in space” but also “the zoning of time–space in relation to routinized social practices”, a process that he terms “regionalization” (Ibid.: 119). In the transition to a digitalised social order, the disembedding and re-embedding of spaces of social interaction open up new ways of “zoning time–space”, an area that has been of deep and abiding interest to network society theorists.

One of the most influential contributions to the application of structuration theory to the study of technology and society is Orlikowski’s technologies-in-practice framework (Orlikowski 2000). Building on the Giddensian model of the duality of Structure and the three main dimensions through which the enactment of structuration can be studied, this framework proposes that technology-in-practice is studied as Structure through the schema provided in Figure 2.

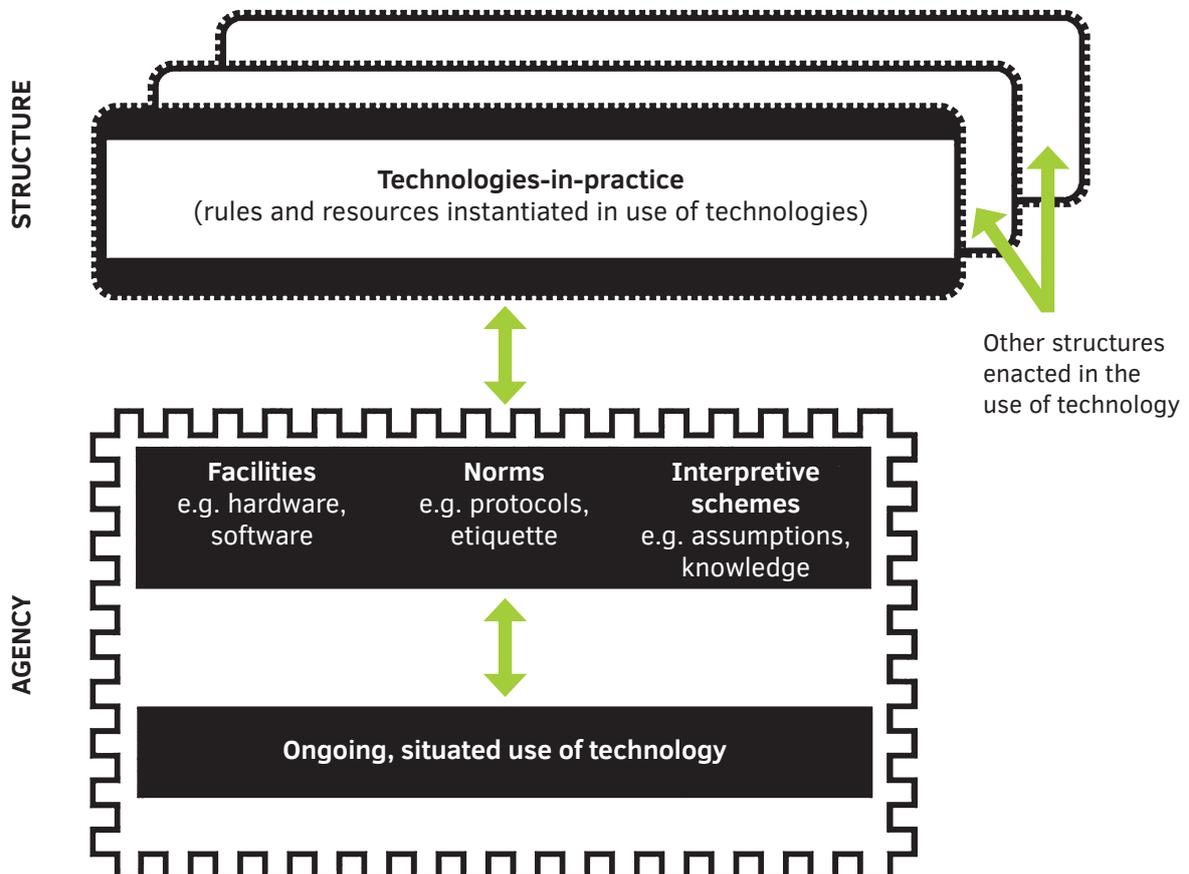
“people’s use of technology becomes structured by... experiences, knowledge, meanings, habits, power relations, norms, and the technological artifacts at hand. Such structuring enacts a specific set of rules and resources in practice that then serves to structure future use as people continue to interact

with the technology in their recurrent practices. Thus, over time, people constitute and reconstitute a structure of technology use, that is, they enact a distinctive technology-in-practice. Human interaction with technologies is typically recurrent, so that even as users constitute a technology-in-practice through their present use of a technology, their actions are at the same time shaped by the previous technologies-in-practice they have enacted in the past.” (Ibid.: 410)

Thus the enactment of technology-in-practice is “situated within a number of nested and overlapping social systems”, and “people’s interaction with technology will always enact other social structures along with the technology-in-practice” (Ibid.: 411).

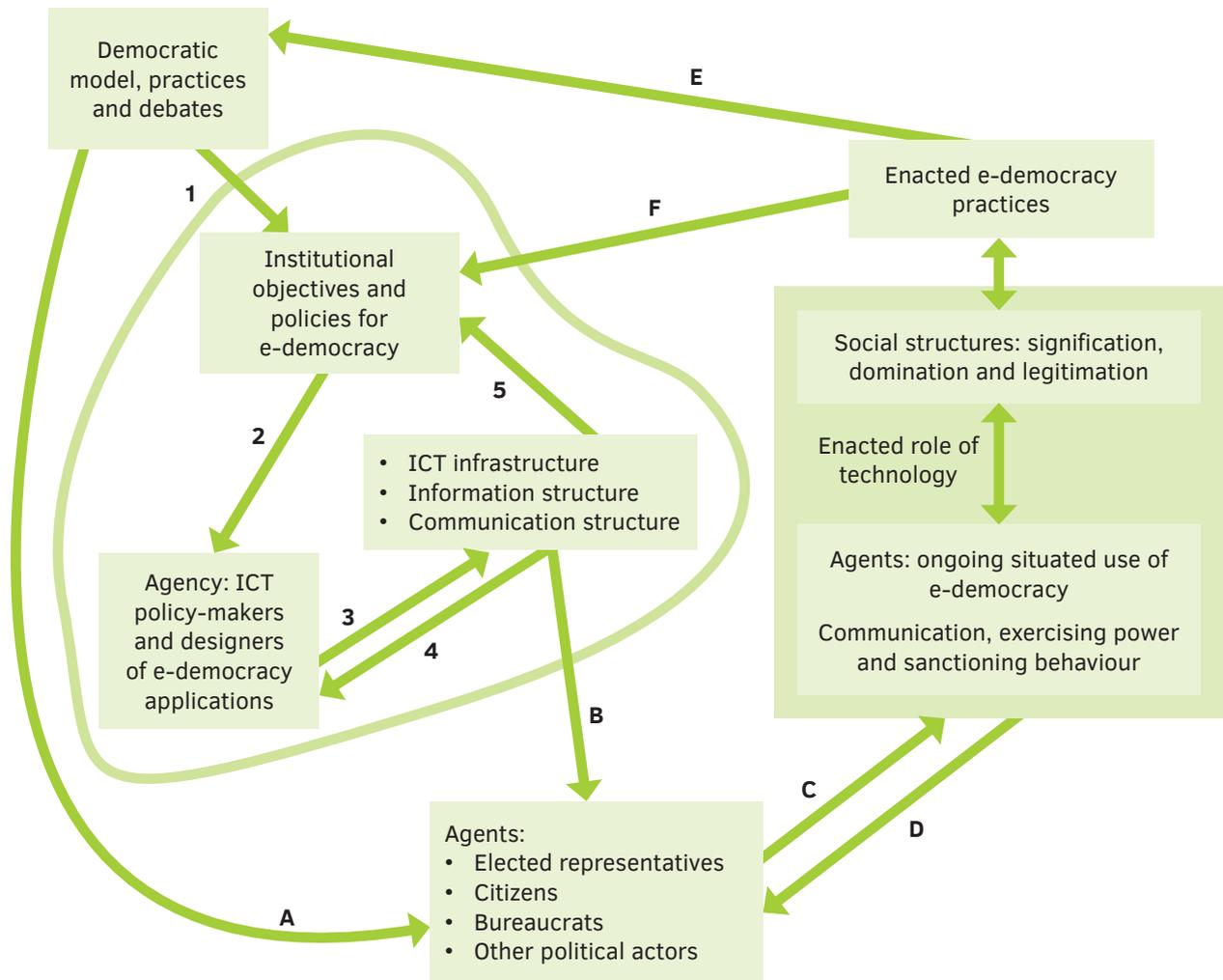
Parvez (2006) has extended Orlikowski’s framework to the study of e-democracy through the “double structuration loop” approach, which simultaneously explores technology shaping (how ICT infrastructures that support e-democracy projects evolve and are shaped in ongoing social interactions) and technology use (implications of the enactment of new technology-mediated practices of e-democracy on the wider democratic process). He elaborates on the double structuration loop through the schema reproduced in Figure 3.

Figure 2 Enactment of technologies-in-practice



Source: Orlikowski (2000)

Figure 3 Double structuration loop approach to e-democracy



Source: adapted from Parvez (2006)

The inner loop (arrows 1–5) demonstrates the “technology-shaping process” and the outer loop (arrows A–E) the “technology-use process”. Inner loop arrows 1–3 demonstrate how agents (ICT policy-makers and designers of e-democracy) draw on the pre-existing institutional structures of democracy to shape technology infrastructures, which can serve as critical resources appropriated by citizen-agents and other members of the democratic system in their enactments of e-democracy practices (outer loop arrow B). Such appropriation affects “technology-shaping” through feedback to designers (inner loop arrow 4) and providing insights for future institutional design (inner loop arrow 5).

In the outer loop, arrows (A–E), the existing institutional structures of democracy (outer loop arrow A) and ICT infrastructures underpinning e-democracy projects (outer loop arrow B) are implicated in the situated enactment of e-democracy practices (outer loop arrow C). This enactment reflexively influences the actions of government actors and citizen agents (outer loop arrow D), established

democratic practices (outer loop arrow E) and the structuration of the technology-shaping process that underpins e-democracy (arrow F).

Together, the inner and outer loops of this framework trace the four key dimensions of the interplay of technological and social dimensions in co-constituting e-democracy: “institutional mediation structures (arrows 1, 2 and A), ICT mediation structures (arrows 4, B and D), agency of human actors (arrows 3 and C), and the [institutional] consequences of e-democracy appropriation by actors (arrows 5, E and F)” (Ibid.: 337).

This approach is centred on the interactions between human agents and the Structure of technology design and appropriation. Parvez’s double structuration loop follows the path traced by Orlikowski’s exhortation on how, instead of “starting with the technology and examining how actors appropriate its embodied structures”, an approach consistent with structuration theory starts “with human action and examines how it enacts emergent structures through recurrent

interaction with the technology at hand” (Orlikowski 2000: 407). This body of literature has guided the development of this study’s analytical matrix, the details of which are provided in the following section.

**Analytical matrix**

The analytical matrix developed for this study (Table 1) traces the structuration of ICT-mediated citizen engagement, providing a set of probes for contextual enquiries.<sup>4</sup> These pegs for exploration trace the signification, legitimation and domination aspects of institutional mediation structures and ICT mediation structures implicated in the production and reproduction of such systems. A study of structures, according to Giddens, is a study of “major aspects of the transformation / mediation relations which influence social and system integration.” (Giddens 1984: 377)

Table 1 provides a schema for a contextualised mapping of structural shifts in ICT mediation contexts

from the ‘government-end’ and the ‘citizen-end’. It spells out areas of inquiry to understand emergent meanings, norms and power in ICT-mediated citizen engagement systems, for their transformative potential for democratic governance.

- **Institutional mediation structures:** the vision, priorities, norms, and external and internal pressures underpinning the design and development of ICT-mediated citizen engagement initiatives and continuities / discontinuities in rules of democratic governance.
- **ICT mediation structures:** new informational and communicative systems of digital society, institutional norms for ICT access and use in governance, ICT-related capabilities of governance institutions and citizens.

**Table 1** Analytical matrix for contextualised mapping of the structuration of ICT-mediated citizen engagement

Structuration dimension	Probes	
	Institutional mediation	ICT mediation
<b>Government-end analysis</b>		
<b>Signification</b>	What are the policy discourses of citizen engagement in e-government?	In the technological design of ICT-mediated participation initiatives, what new visions and norms for legitimising citizen participation come through?
<b>Legitimation</b>	In ICT-mediated citizen engagement: <ul style="list-style-type: none"> <li>• what are the emerging norms?</li> <li>• how are the norms of openness, transparency and deliberation recast?</li> <li>• what are the new norms underpinning partnership arrangements?</li> </ul>	How does techno-design bear on participation?
<b>Domination</b>	How do the fluid boundaries between the scales of governance – local, national and supranational – implicate meanings of citizen engagement and digital participation ?	How does techno-design shift the balance of power between state and citizen?
<b>Citizen-end analysis</b>		
<b>Signification</b>	How does the digital paradigm redefine citizenship?	How are citizen practices recast through ICT channels, and how are these redefining democracy?
<b>Legitimation</b>	How does digital participation shift rights and obligations in the state–citizen relationship?	In what ways has ICT capability become intrinsic to being a citizen?
<b>Domination</b>	What does the shift to digital participation imply for civil society as a whole?	How do patterns of access and levels of techno-capabilities impact on citizen voice?

<sup>4</sup> Contextuality, or the situatedness of interactions in time–space, is an important concept in Giddens’ analysis of communication between actors.

### 1.3 Methodology

Structuration theory does not provide detailed guidelines for research procedure. As a second-order theory, it stops at providing a set of ‘sensitising devices’ or key conceptual handles that can scaffold field research (Giddens 1989, cited in Pozzebon and Pinsonneault 2005). However, for over two decades, information systems scholars have been exploring how best to adapt structuration theory to empirical investigation. The emerging consensus appears to be that an ideographic methodological approach may be most appropriate (Pozzebon and Pinsonneault 2015). Ideographic approaches focus on the historical particularities or contextual embedding of phenomena under study, in contrast to nomothetic approaches that seek to provide objective explanations about social life, emulating the natural sciences.<sup>5</sup> The case study methodology is extremely well suited to such situated explorations (Flyvbjerg 2006). Thus, for this research study pursuing contextually embedded theory-building, a comparative case study methodology was adopted.

The selection criteria for the comparative case studies were guided by a preference for “cases that [were] information-rich with respect to the topics under investigation” (Patton 2002, cited in Ponelis 2015). Specific criteria included the following:

- **Regional spread:** representation of key geopolitical regions of the world.
- **Diverse trajectories of democracy:** considerations of diverse political history (Westphalian and post-colonial contexts); degrees of political stability; and extent of institutionalised guarantees for citizen participation, in the country case selection.
- **Availability of sufficient pre-existing literature / scholarship on current ICT-mediated citizen engagement initiatives:** sufficient knowledge (documented or researcher-identified) of current / live government-backed or citizen-backed e-participation initiatives in the contexts under study.

On the basis of these criteria, case studies of ICT-mediated citizen engagement were selected from the following sites: Africa (South Africa), Asia (India and the Philippines), Europe (the Netherlands and Spain) and South America (Brazil, Colombia and Uruguay). In each country, a specific ICT-mediated citizen engagement initiative was selected as an aid to understanding the historical evolution and particular institutional context of e-participation through the interplay between structures of governance and citizen agency. A detailed overview of the country contexts of the case studies is provided in section 2, and

descriptions of each initiative are given in section 3. A glimpse of the specific initiatives explored in the different contexts is provided in Table 2 (see page 14).

The analytical matrix (Table 1) served as an initial guide for delimiting case study boundaries and development of context-specific probes. In addition, during the iterative process of data collection and analysis of findings undertaken as part of the case study, insights from different theoretical frames were eclectically combined<sup>6</sup> to build from the narrative interpretations about shifts in meanings, norms and power in state–citizen interactions. The ways in which explanatory theories were brought into the case study analysis as a complement to structuration theory are detailed below.

- In the analysis of signification in ICT-mediated citizen engagement, theories of citizenship and the state were brought in to make sense of the findings. In the South Africa case study, the work of Rodina and Harris (2016) on the differentiated experiences of ‘everyday and lived citizenship’ was invoked to examine the potential of ICT-mediated citizen engagement for claims-making of individuals and groups at the margins. In the Netherlands case study, scholarship on ‘do-ocracy’ (van Apeldoorn 2009; Tonkens 2011; Lub and Uytterlinde 2012; Verhoeven and Tonkens 2013) was used to contextualise the depoliticisation of citizen engagement and the transfer of responsibility for community wellbeing onto volunteer citizens, in emerging articulations of co-production of governance solutions. In the India case study, the work of Lyon (2002) on understanding ‘everyday surveillance’ in datafied governance systems was applied to decode emerging practices of biometric authentication in state–citizen transactions within welfare systems.
- In the analysis of legitimation, digital-age theories as well as older theories on technocratic systems were used to map norming processes. In the Brazil case study, the ‘code is law’ framework proposed by Lessig (1999, 2000) provided a useful handle to identify the specific ways in which the particular design choices of ICT-mediated citizen consultation platforms could structure patterns of usage, thus allowing a kind of ‘hard coding’ of political intent. In the Colombia case study, the work of O’Donnell (1978) on authoritarian bureaucracies helped in identifying the new technocratic regimes being legitimised through dominant discourses of e-government.
- In analysing domination, scholarship on new forms of governance that are emerging in a globalising world and the emerging body of work on techno-politics were referred to. For example, Rhodes’ (1997) analysis

<sup>5</sup> See Encyclopedia.com, ‘ideographic versus nomothetic approaches’: [www.encyclopedia.com/social-sciences/dictionaries-thesauruses-pictures-and-press-releases/ideographic-versus-nomothetic-approaches](http://www.encyclopedia.com/social-sciences/dictionaries-thesauruses-pictures-and-press-releases/ideographic-versus-nomothetic-approaches)

<sup>6</sup> By country researchers and the IT for Change team.

**Table 2** Details of ICT-mediated citizen engagement initiatives mapped as part of the country case studies

Country case study	Initiative
<b>Africa</b>	
South Africa	Non-governmental organisation-initiated participatory mapping initiative deploying FrontlineSMS and Ushahidi platforms; focused on creating an evidence base on disaster risks and infrastructural hazards faced by informal street vendors in eThekweni Municipality, Durban to promote evidence-based dialogues between vendors and municipal authorities, active 2015–2016
<b>Asia</b>	
India	Online grievance redress system developed by the State Government of Rajasthan to channel citizen complaints on accountability in service delivery, initiated in 2014
Philippines	Open Data initiative of the Government of the Philippines that seeks to enhance government transparency for democratic accountability, launched in 2013
<b>Europe</b>	
Netherlands	<i>Ons Geld Burgerinitiatief</i> (Our Money), a citizen initiative that used online and offline strategies to mobilise public opinion to lobby for a shift in monetary policy to ensure money-creation decisions are taken out of the commercial banking system and vested in the state, organised 2014–2015
Spain	Municipal Action Plan (2016–2019) co-created through the <i>Decidim Barcelona</i> platform as an exemplar of the many participatory citizen engagement initiatives undertaken by Barcelona City Council, part of the larger Spanish municipalism movement attempting to create a network of Open Cities, launched in 2016
<b>Latin America</b>	
Brazil	ICT platforms used in the public consultation processes around the <i>Marco Civil da Internet</i> (Internet Bill of Rights) (2015) and copyright reforms (2016)
Colombia	<i>Urna de Cristal</i> (Crystal Urn) online web portal that allows citizens to raise queries / concerns to any government department / agency and request grievance redress, and provides an e-consultation space; set up by the Government of Colombia in 2010
Uruguay	Open Government National Action Plan that aimed to combine creatively offline and ICT-mediated strategies for citizen dialogue, consultation and collaboration to create a new institutional culture that furthers accountability and responsiveness, initiated in 2012

of the influence of supra-national discourses in the hollowing-out of the nation state was used to unpack the impacts of the Philippines' Open Data initiative. Similarly, Rhodes' (1997) analysis of agentification / the outsourcing of core public functions helped in mapping the power structures emerging in networked decision-making models that characterise Uruguay's transition to Open Government. In the case of Spain, to capture the implications of networked decision-making processes in *Decidim Barcelona*, emerging literature on liquid democracy cultures fostered by new age techno-politics such as that practised by the 15-M movement (*los Indignados*) has been insightful. Additionally, in every case study, empirical research and scholarship on the trajectories of e-participation were drawn upon to support institutional analysis of state–citizen engagement.

The case study approach is extremely flexible in terms of methods of data collection, and both secondary and

primary methods were used in this research study. Secondary methods ranged from examining critical scholarship on legal and institutional frameworks of participation, and e-participation literature, to direct perusal of e-government strategy documents. Further, in-depth key informant interviews were carried out with critical stakeholders associated with the specific initiatives explored in each country context (including government actors, private partners, citizens, civil society organisations, etc.). Selection of key informants was a case-specific exercise. The primary data thus gathered was compiled and collated, in some cases through manual coding and in others through software packages such as ATLAS.ti. In every country study, researchers produced a 'state-of-the-art' report that laid out the larger political and ICT-related policy context of the country and an in-depth case study that explored one particular citizen engagement initiative.

This preliminary analysis from the state-of-the-art reports and case studies was then synthesised

to garner specific insights on the signification, legitimation and domination aspects of ICT-mediated citizen engagement, in order to help address the core research question: identifying the conditions under which such initiatives produce transformative outcomes for democratic governance.

### 1.4 Report structure

Section 2 provides an overview of the eight country contexts covered by this research, comparing and contrasting the quality of democratic governance, maturity of e-participation and status of digital infrastructure development in each context. Section 3 summarises the eight case studies of ICT-mediated citizen engagement initiatives explored by this research, highlighting their contexts of emergence, key techno-design features, techno-social aspects and outcomes for citizen engagement.

Sections 4–7 present emerging insights from the in-depth exploration of the case studies. Findings on institutional mediation structures, ICT mediation structures and citizen agency are presented for emerging norms, meanings and power relationships. Section 4 examines the impact of ICT-mediated citizen

engagement on the norms, rules and conventions that underpin the state–citizen relationship, focusing on the implications for democratic accountability. Section 5 moves on to trace emerging visions of citizen participation in the neoliberal e-government paradigm. It maps the discursive imaginaries of digitalised governance systems for the new meanings that are shaping citizen engagement. Section 6 explores the different ways in which the techno-design of ICT-mediated citizen engagement hard-codes political intent / visions of e-participation. It also teases out the intended and unintended outcomes of such codification, and the ways by which techno-design creates new routines of state–citizen interaction. Section 7 interrogates the interplay of institutional mediation structures and ICT mediation structures with citizen agency. It focuses on how citizens, through their distinctive technology-in-practice / appropriation of ICT-mediated citizen engagement, constitute and reconstitute institutional systems of democratic governance. The report concludes with a set of reflections in section 8 on the directions coming from this research for public policy interventions and recommendations for making digitally mediated citizen engagement transformative.

## 2. Country contexts

This section compares and contrasts the eight country contexts studied for their quality of democratic governance, maturity of e-participation and status of digital infrastructure development, based on insights from the state-of-the-art reports for each country. It is important to keep in mind the similarities and differences in the political trajectories of the countries studied, to ensure that attempts to draw cross-contextual parallels are appropriate and justifiable. Of the eight countries, six are post-colonial democracies (Brazil, Colombia, India, the Philippines, South Africa, Uruguay) and two are former colonial powers (the Netherlands, Spain). Four countries have suffered under the yoke of dictatorship between the 1970s and 1980s. In post-colonial countries, where institutional maturity may be a work in progress, citizens at the margins continue to struggle to renegotiate the differential status accorded to them in their everyday citizenship. Since the 1960s, Colombia has witnessed armed conflict between state forces and far-left guerrilla forces, such as the *Fuerzas Armadas Revolucionaria de Colombia* (FARC); although a peace negotiation was attempted

in 2016, progress has been slow<sup>7</sup> (Berrío-Zapata and Berrío-Gil 2017a). The Spanish government has been continually challenged by demands for Catalan independence (Peña-López 2017a). These historical factors prove crucial in shaping the institutional evolution of citizen participation and the transitions to ICT-mediated citizen engagement in particular settings. Another aspect to note is the fact that sub-national initiatives rooted in the local carry their own legacies. While the national impinges on the local, the context of the latter can be seen to provide unique socio-political and historical antecedents that define the democratic setting in which citizen participation occurs.

### 2.1 Quality of democratic governance

This section assesses the extent to which the eight country contexts provide a supportive institutional environment for citizen participation. The voice and accountability measure of the World Bank's *Worldwide Governance Indicators* is a useful starting point for

<sup>7</sup> Due to a range of factors, such as dissidence and the rise of rebel factions within FARC, allegations of corruption in the process and political propaganda against the process generated by the opposition party.

this exercise.<sup>8</sup> It serves as an indicator of the extent to which citizens are able to participate fully and freely in governance, in a particular context. Specifically, it measures “the extent to which a country’s citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media” (World Bank 2007).

A quick peek at the country-level percentile rankings of the voice and accountability dimension of the 2015 report on *Worldwide Governance Indicators* reveals that out of the eight settings of the study, Colombia is the lowest-performing country. It falls in the 25th to 50th percentile of the 200-plus countries surveyed for the voice and accountability measure.<sup>9</sup> Brazil, India, the Philippines and South Africa have middling scores and occupy the 50th to the 75th percentile. The Netherlands (98.3 p<sub>i</sub>), Spain (78.82 p<sub>i</sub>) and Uruguay (83.35 p<sub>i</sub>) are high performers as they are all part of the top 25% of countries on this index. In fact, the Netherlands is placed in the ‘above 90th percentile’ range. This set of rankings is useful for an initial reading of where the countries stand in relation to one another. However, nuanced readings about the quality of democracy at each site call for an in-depth analysis of the institutional environment underpinning citizen participation. Towards this, in the following subsections, we focus on the legal-institutional guarantees pertaining to information access, free speech, privacy, and representative and direct participation in each context, and their adequacy and effective realisation. Highlights of this analysis are provided in Table 3.

### Low performer in voice and accountability

#### Colombia

The country’s low score reflects the limited guarantees to protect civil-political freedoms and the ineffective implementation of the law. In 1994, Law 134 that regulates citizen participation in state decisions was enacted to give a formal structure to citizen initiatives. However, the development of ICT-mediated government initiatives for citizen participation took off only after the country joined the Open Government

Partnership (OGP)<sup>10</sup> in 2011. In addition to this late start, another challenge has been the conflation in the bureaucratic imagination between ‘administrative participation’ that intends to achieve the technical optimisation of governance procedures and ‘political participation’ that seeks to shift the power equation in the state-citizen relationship (Prieto-Martín and Ramírez-Alujas 2014, cited in Berrío-Zapata and Berrío-Gil 2017a). The country has legal guarantees on transparency and access to public information (Law 1712, Government of Colombia 2014) and the right to opinion. However, organisations such as Human Rights Watch have flagged that Colombia is a systematic transgressor of human rights (HRW 2016, cited in Berrío-Zapata and Berrío-Gil 2017a). This situation is exacerbated by recent Supreme Court decisions, which have upheld that criminal defamation provisions outweigh the fundamental right to free expression. For instance, in 2012, the Supreme Court initiated libel proceedings against two media columnists who had questioned the motives behind some of its decisions. In a statement that it issued in this regard, the Court said that on the pretext of exercising the fundamental right to opinion, one need not tolerate “the abuses of other rights, also of constitutional origin, such as dignity, good name, image and honor” (CPJ 2012).<sup>11</sup> This decision overturned the prior consensus on the right to free expression extending to even speech acts that were termed offensive<sup>12</sup> (CPJ 2012).

Similarly, the Colombian Constitution protects the privacy of communications and specifies that the state can intercept correspondence and other forms of private communication only after fulfilling legal formalities such as obtaining a search warrant. However, the constitutional amendments of 2002 read down this provision by authorising the Attorney General to seize / intercept communications without prior judicial authorisation<sup>13</sup> (Privacy International 2016, n.d.). Also, the Intelligence Law of 2013 that facilitates monitoring of digital communication of citizens has further weakened the right to privacy, as discussed in greater detail in section 2.2.

<sup>8</sup> The Worldwide Governance Indicators project was a World Bank initiative (1996–2015) that focused on creating a global measure on the quality of governance, to enable inter-country comparison on progress towards good governance. The measure is a composite of six indicators: voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, and control of corruption. For each indicator, countries receive a score of between –2.5 and 2.5 based on evaluation of data from different sources. On the basis of these scores, countries receive a percentile rank of between 0 and 100. Higher scores and higher percentile ranks correspond to better outcomes.

<sup>9</sup> The percentile rank of a score is the percentage of scores in its frequency distribution that are equal to or lower than it (see [https://en.wikipedia.org/wiki/Percentile\\_rank](https://en.wikipedia.org/wiki/Percentile_rank)). In this case, when we say that Colombia falls within the percentile range of 25–50%, it means that while Colombia scores more than 25% of the 200-plus countries that were studied for the voice and accountability indicator, its score still falls below 50% of the countries.

<sup>10</sup> [www.opengovpartnership.org](http://www.opengovpartnership.org)

<sup>11</sup> <https://cpj.org/2012/08/colombian-supreme-court-sues-journalists-for-defam.php>

<sup>12</sup> Established through a previous decision of the Colombian Constitutional Court.

<sup>13</sup> However, a *post facto* authorisation from the courts has to be obtained within 24 hours of such action.

**Table 3** Supportive institutional environment for citizen participation

Region	Country	Worldwide Governance Indicators of the World Bank (percentile scores)	Legislative guarantees			
			Freedom of information	Freedom of expression	Right to privacy	Right to participation
<b>Africa</b>	South Africa	50th–75th $p_i$ (68.97)	Yes	Yes	Constitution guarantees a limited right to protection from illegal search and seizure; no stand-alone legislation exists	Yes, National Development Plan provides an institutional framework for citizen participation in service delivery
<b>Asia</b>	India	50th–75th $p_i$ (60.59)	Yes	Yes, but limited by excessive use of criminal defamation and sedition laws	No*	Yes, Constitution mandates citizen participation in local government; but there is no legally binding framework at the national level, only policy guidelines on participation are available
	Philippines	50th–75th $p_i$ (51.72)	Under consideration	Yes	Constitutionally guaranteed, but not buffered by strong, stand-alone legislation	Yes, legal provisions for mandatory citizen participation in local government and special bodies exist
<b>Europe</b>	Netherlands	Above 90th $p_i$ (98.30)	Yes	Yes	Yes	Yes, participation mechanisms have been instituted at all tiers of government, including parliamentary decision-making
	Spain	75th–90th $p_i$ (78.82)	Yes	Yes, but new 2015 law that aims to curtail illegal activities on digital networks has emerged as a setback	Yes	Yes, regional and local government laws that support liquid democracy experiments exist; but no legal provisions at national level
<b>South America</b>	Brazil	50th–75th $p_i$ (60.00)	Yes	Yes, but diluted because of frequent use of defamation and copyright laws	Yes	Yes, Constitution provides for a 'semi-direct' democracy
	Colombia	25th–50th $p_i$ (45.81)	Yes	Yes, but Constitutional Court's judgement privileges reputation over right to opinion	Constitutionally guaranteed, but weakened by subsequent legislation	Yes, legal provision exists
	Uruguay	75th–90th $p_i$ (83.25)	Yes	Yes	Yes	Yes, Constitution guarantees mechanisms for direct democracy and supports development of an enabling environment for participation

\*This was true at the time of research. However, in August 2017 a verdict held by the Supreme Court of India ruled decisively in favour of privacy as a fundamental right.

## Middling performers in voice and accountability (50th to 75th percentile)

### **Brazil**

The institutionalisation of social participation can be traced to the new constitution adopted by the country in 1988, following the resurgence of democracy after two decades of military dictatorship. This new constitution provided the scaffolding for the design of participatory spaces that could enshrine a culture of deliberation and dialogue throughout government. For example, in 2001 the Congress set up the Committee on Participative Legislation and the Committee on Human Rights and Participative Legislation, to enable civil society organisations to submit proposals for legislation before elected representatives (Valente, Kira and Ruize 2017a). Similarly, constitutional principles for a 'semi-direct democracy' that allow representative systems to be complemented by direct participation initiatives (Vitale 2004, cited in Valente *et al.* 2017a) has enabled the emergence of participatory local planning, participatory budgeting and policy councils, permanent collegiate bodies that enable state–civil society dialogue on policy issues. However, in recent times the legitimacy of this semi-direct model has been plagued by a crisis of representation, resulting in a growing distance between political representatives and civil society representatives (Ibid.). Most narratives trace this to the July 2013 protests that enabled the convergence of multiple frustrations and claims under the umbrella of citizen demonstrations against increased public transportation fares and the inordinate expenses incurred by the state in hosting major sporting events (in particular the 2014 World Cup and 2016 Olympics). Scholars (Nobre 2013, cited in Valente *et al.* 2017a) have flagged that the protests constitute a “breaking of the political pact” that has been in force since redemocratisation. This implies that institutionalised participation no longer serves as a buffer between the political system and society at large.

Similarly, although Brazil has legal guarantees for citizen rights to information, free speech and privacy, there is still a lot of ground to be covered in terms of realising the goal of equal participation. Political and economic elites continue to abuse defamation and copyright laws to clamp down on free speech, and media ownership remains highly concentrated (Ibid.).

### **India**

India has a very strong right to information framework backed by 2005 legislation that emerged from the efforts of a people's movement at the grassroots. The Constitution guarantees citizen participation in local government decision-making. However, implementation of these provisions leaves a lot to be desired. Similarly, although a pre-legislative consultative policy was passed in 2012 to guide decision-making by ministries

and departments at the national level, this is not binding and public consultation efforts have been highly uneven (Bharthur 2017a). On a related note, a Bill for grievance redress has been languishing since 2011 at the central government level. Progress remains to be made in terms of instituting basic guarantees for claims-making and direct participation. In relation to political voice, the Constitution guarantees freedom of speech and expression, although they are not “sufficiently upheld by Courts or respected by government officials” (Freedom House 2016). Also, colonial laws on sedition and criminal defamation are often invoked to restrict media freedom. Most importantly, the lack of a constitutional guarantee or separate legislation on the right to privacy, and the absence of a data protection statute, are emerging as a major lacuna in the transition to digitalised governance.

### **Philippines**

The country's legal institutional framework mandates citizen participation in local government councils and special bodies. However, civil society organisations observe that in many cases, such participation ends up being nominal (CODE-NGO, FDC and UNDP 2010). The constitution guarantees freedom of speech and freedom of the press, but the government has been criticised for subjecting journalists to harassment and surveillance. For over two decades the Congress has been delaying the enactment of a freedom of information law. A civil society network of non-governmental organisations (NGOs), journalists and media groups has emerged on this issue – the Right to Know, Right Now! Coalition – which has been actively lobbying for the passage of this long-pending Bill. Partial progress has been made on this agenda and, in 2016 a Presidential Executive Order was issued for operationalising those aspects of the right to information pertaining to the executive branch.<sup>14</sup> Similarly, although the Constitution holds the privacy of communication and correspondence to be inviolable, the implementation of stand-alone, comprehensive privacy legislation was delayed. A Data Privacy Act was enacted in 2012, but the National Privacy Commission, the agency tasked with implementation of this Act, was set up only in 2016. Government agencies tasked with the collection and processing of personal data are not completely covered under this Act (Foundation for Media Alternatives and Privacy International 2016).

### **South Africa**

In terms of citizen participation, the Constitution adopted in the post-apartheid period guarantees citizens' rights to information, freedom of expression, freedom of association and right to privacy (but is limited to protections against illegal search and seizure). Furthermore, in all spheres of government, from municipal and provincial to national processes,

<sup>14</sup> This Order allows for exemptions, and civil society has had to remain constantly vigilant about what exemptions are introduced to ensure they are not excessive (see Baleos, Garcia and Pacis 2017).

the Constitution encourages public involvement in government legislative processes. In its application, citizen participation tends to be focused primarily on the issue of enabling citizen feedback on service delivery.

The National Development Plan is the key strategy document in this area, and it highlights the importance of incentivising citizen engagement in order to achieve the accountable governance agenda. On-ground implementation of these processes is driven mainly by the Department of Public Services and Administration and the Department of Performance, Monitoring and Evaluation. There have been challenges to the realisation of these civil–political liberties. Peaceful protest marches are disrupted by the police force (Devos 2015, cited in Diga 2017a) and electoral violence and political killings occur (Booyesen 2016, cited in Diga 2017a). Similarly, there are reports of the national broadcaster suppressing certain content, such as coverage of disruptive political action and negative news about the President (Eybers and Nel 2016, cited in Diga 2017a).

The Public Protector is constitutionally mandated to investigate and resolve cases raised by citizens and others around maladministration by the state.

### High performers in voice and accountability

#### Netherlands

The country has a complex system of policy decision-making, divided among national, regional and local authorities. Yet adequate attention has been given to instituting opportunities for citizen participation at each level of decision-making. In parliamentary decision-making, citizen participation has been institutionalised through the mechanisms of citizen petitions, initiatives and referenda.<sup>15</sup> The country has very strong guarantees of freedom of expression. Although there are exceptions to protection of free speech, such as hate speech, there is no pre-emptive censorship. The Netherlands has a robust freedom of information legislation that stresses the importance of proactive disclosure and entertains both oral and written information requests. Legal safeguards for privacy also exist. The government is already thinking ahead to determine what changes / amendments may be required in privacy legislation to keep pace with digitalisation and datafication (Dumitrica 2017a) (see section 2.2 for more detail).

#### Spain

The legal–institutional framework of the country has traditionally aimed to channel citizen participation through democratic institutions, including Parliament, political parties, labour unions, etc. Thus participation was mediated through these ‘black boxes’ whose “functioning is only known and mastered from people on the side”, until the churn created by the 15-M movement (*los Indignados*) (Peña-López 2017a). In 2011, hundreds of

thousands of citizens came onto the streets and camped for over a month, to work towards a better democracy. Citizens converged around multiple demands: financial crisis, housing crisis, youth unemployment, loss of faith in democratic institutions. But one of the most clearly articulated demands of this movement was the need to reinvigorate democratic processes, and the conversation around this ended up introducing the ideas of ‘liquid democracy’ and ‘direct democracy’ into political conversations. Although in the short term the effects of this movement were limited, it had a profound impact on Spanish politics in the long term. It contributed to the rise of a new political party – Podemos – committed to promoting a new democratic praxis building on open-source culture and emphasising open, deliberative and transparent decision-making. In 2015, the party won municipal elections in two key municipalities, Madrid and Barcelona, where it has set about institutionalising new forms of collaborative decision-making and co-governance (see section 2.4). In Barcelona, Podemos has effectively leveraged a piece of legislation enacted by the Catalan regional government, *Ley 10/2014, del 26 de setembre, de consultes populars no referendàries i d'altres formes de participació ciutadana* (Law on citizen non-binding enquiries and other forms of citizen participation). This law provides an ambitious framework, “not only for citizens to be consulted for their opinions, but for civil society to organize, make proposals, and participate in public decision-making” (Peña-López 2017a). Although other regional and local governments have been inspired to replicate the law, the central government has not passed any legislation in this area. Thus experiments in institutionalising direct participation for liquid democracy continue to be highly localised.

On other legal–institutional guarantees for full citizenship, the Spanish constitution guarantees the right to personal and family privacy of all citizens, and to freedom of expression. Spain was one of the last western democracies to enact a law on access to information. However, the law on transparency, access to public information and good government (*Ley 19/2013, de 9 de diciembre, de Transparencia, Acceso a la Información Pública y Buen Gobierno*; Government of Spain 2013a) is unfortunately vague and leaves plenty of room for arbitrariness. Similarly, freedom of expression suffered a serious setback in March 2015 with passage of the law on the protection of civil security (*Ley Orgánica 4/2015, de 30 de marzo, de protección de la seguridad ciudadana*) aimed at fighting terrorism and moderating social networking sites. Although its stated purpose was to prevent blanket censorship, deliberate ambiguities were deployed to create a self-censorship effect. Thus, at a closer glance, Spain is an interesting paradox, where a bottom-up political movement for reinventing democracy in digital

<sup>15</sup> A citizen initiative is different from a petition. It is dealt with differently in that the Parliament has an obligation to debate and respond to it. Petitions go to committees in the House and there is no obligation to address them in the plenary (i.e. with some decision being reached by the House).

times is taking shape in an institutional environment that is not entirely supportive of deep participation.

### Uruguay

The Constitution guarantees mechanisms for direct democracy such as plebiscites and referendums. Additionally, since the mid-2000s many initiatives have focused on creating new institutional spaces for citizen participation. For example, the Ministry of Social Development set up local social councils across the country to facilitate citizen engagement and civil society participation in development and monitoring of public policy. Similarly, open cabinet hearings were introduced in remote locations across the country to enable citizens to request an audience with the President and other members of the cabinet, to raise key context-specific concerns about development and implementation of government policies. The most recent participatory initiative that has been introduced is the open dialogue, which includes inviting suggestions and inputs for the National Development Plan from ordinary citizens. On the whole, Uruguayan democracy is marked by a deliberative ethos (Rivoir and Landinelli 2017a).

This is borne out by the status of legal guarantees for civic-political liberties. The Constitution guarantees freedom of speech and press freedoms. The country also has legislation guaranteeing citizen rights to information and protection of personal data (Rivoir and Landinelli 2017b). Further, in 2014 the Legislature enacted a law to curtail media concentration and introduce a conscience clause for journalists (IFEX 25 2015). The country has

also made some progress in curbing the use of criminal defamation suits that throw a spanner into public interest journalism (Freedom House 2015). Although there are occasional cases of violence and intimidation against journalists (IACHR 2013), the country performs well enough in building a supportive environment for citizen participation, as evidenced by its high rankings on indices such as the Latin American Democratic Development Index and the Democracy Index of the Economist Intelligence Unit (Rivoir and Landinelli 2017a).

## 2.2 Maturity of e-participation

The United Nations (UN) e-government survey 2016 notes that globally, the bulk of e-participation initiatives pertain to proactive information disclosure and public consultation via e-tools. The area of e-decision-making or collaborative policy-making via digital spaces is still nascent. However, as the survey highlights, this is the way of the future, and “Making progress in participatory and democratic decision-making will increasingly be the criteria against which the success of e-participation will be assessed.” (UNDESA 2016).

The e-government survey’s E-Participation Index (EPI), a composite measure of the level of development of e-information, e-consultation and e-decision-making initiatives, is a helpful point of departure for this discussion on the maturity of e-participation in the eight countries under study. The key features assessed by the EPI are summarised in Box 1.

### Box 1: Key features assessed by the UN E-Participation Index

- Availability of sources of archived information (policies, budgets, legal documents, etc.)
- Use of digital channels (including mobile devices / platforms) and open data technologies in the areas of education, health, finance, social welfare, labour, environment
- Availability of online information on citizens’ rights to access government information (such as Freedom of information / Access to information Act)
- Evidence about government partnership / collaboration with third parties (civil society, private sector) to provide services
- Evidence about free access to government online services through the main portal, kiosks, community centres, post offices, libraries, public spaces or free WiFi
- Availability of open data sets (in machine-readable non-proprietary formats), related policies / guidance
- Evidence about collaborative co-production, crowd-funding
- Evidence about engaging citizens in consultation / communication to improve online / mobile services and raise satisfaction with them
- Evidence about engaging citizens in consultation / communication on education, health, finance, social welfare, labour, environment
- Availability of personal data protection legislation online
- Evidence about opportunities for the public to propose new open data sets to be available online
- Availability of e-participation policies / mission statement
- Availability of public procurement notifications and tender results online
- Availability of online tools (on the national portal) to seek public opinion and other input in raw (non-deliberative) form for policy formation
- Evidence about decisions made that included the results of consultation with citizens online in the areas of education, health, finance, social welfare, labour, environment
- Evidence about governments publishing the outcomes of policy consultations online

Source: UNDESA (2016)

All eight countries have EPI scores above 0.50 (on a base of 1), and thus have a high EPI as per the UN e-government survey (UNDESA 2016). Among the eight countries studied, two are below the top 50: the Philippines (rank 67) and South Africa (76). Within the top ten are the Netherlands (rank 5) and Spain (7); within the top 50 are Colombia (rank 27), India (27), Brazil (37) and Uruguay (39). The UN e-government survey notes that:

“in general, a country’s lower income level is not an obstacle to posting basic public sector information online on national portals or using social media and other innovative means for consulting and engaging people on a broad range of development-related issues. Yet, a country’s income level matters when it comes to developing more technically complex and specialized e-participation portals, such as for e-petitioning or online consultation and deliberation.” (UNDESA 2016)

The Netherlands and Spain, in the top ten, are both high-income economies. But India, a lower middle-income economy, performs better than South Africa, an upper middle-income economy, and has a slot in the top 50.

We discuss the e-participation strategies of these eight countries, and then examine their data governance and digital rights frameworks (Table 4). The latter are critical to our study, as the EPI, a supply-side measure reflecting progress by government on e-participation initiatives, tends to be limited in capturing whether such initiatives are truly democratising in spirit<sup>16</sup> (Rivoir and Landinelli 2017a).

### e-Participation strategies in the contexts under study

#### **Below UN EPI top 50**

**Philippines:** The importance of proactive citizen engagement is highlighted in the *Government Information Systems Plan* (Philippine Government Online 2000) and *Philippines Digital Strategy (2011–16)*<sup>17</sup>. National government agencies have attempted to deploy the digital opportunity for consolidating citizen feedback on services. A few government agencies have also initiated public consultations (such as the implementing rules and regulations for the law establishing the Department of Information and Communications Technology, as well as those of the Data Privacy Act 2016) and attempted to crowd-source inputs on public policies and plans through digital platforms. Government agencies at the national and local levels are active on social media for

information dissemination to citizens, and emergency communication especially during disaster relief.

The strategic commitment to citizen engagement received a further push when the Philippines became one of the founding members of the OGP in 2011, and pledged to make government “more transparent, responsive and accountable to citizens” (Open Government Partnership Philippines, cited in Baleos, Garcia and Pacis 2017). The launch of a central information portal was a key commitment pledged during the process, and an online platform for the Official Gazette of the Philippines as well as the Open Data portal were subsequently set up. Other commitments undertaken by the Philippines government as part of the OGP pertained to improving public service delivery, increasing public integrity, managing public resources and budgets effectively, and increasing corporate accountability (World Bank 2015).<sup>18</sup>

Unfortunately, as the Independent Reporting Mechanism of the OGP highlights, progress towards open government has been plagued by lack of public consultation and citizen participation, although they are integral to its ethos. Even in those instances where government agencies have attempted to use ICT platforms for information outreach or citizen dialogue, they have been marred by low uptake. For example, as part of the Bottom up Budgeting (BuB) process, the Open BuB portal was developed as a reporting mechanism for local government units. But the lack of uptake has prevented it from emerging as either an effective channel of communication between national government agencies and local government, or an effective source of information for civil society organisations. The Full Disclosure Policy portal, developed as a platform for local government units to publish their finances, has also proved ineffective for the same reason. Many civil society organisations are not even aware that such a portal exists. The Philippines’ Open Data initiative has adopted a step-by-step approach to put government data out in the public domain, taking into account the varying levels of preparedness of different agencies, and specific data sets around which there is some public demand.<sup>19</sup> However, little attention has been given to training / capacity building programmes on open data, which can facilitate vibrant, data-enabled public dialogues to unfold over time.

Similarly, on the government end, agencies that are part of the lowest tier of government have limited financial and human resources at their disposal for website maintenance and, as a result, after the initial

<sup>16</sup> Which is why some authoritarian countries also obtain high rankings in the EPI.

<sup>17</sup> <http://dict.gov.ph/wp-content/uploads/2014/06/philippine-digital-strategy-2011-2015.pdf>

<sup>18</sup> See <https://openknowledge.worldbank.org/bitstream/handle/10986/23813/PHOpenData010FinalOutputVersion.pdf?sequence=1>

<sup>19</sup> Such as data about funds for disaster risk reduction and management; however, it should be noted that such release of data sets on public demand has been rather limited.

push at platform development, it is difficult for the local agency to sustain the quality of the process. Also, on the whole, system interoperability across different agencies is limited, which impedes data sharing and development of joint platforms for citizen engagement. These supply-side concerns, however, should not detract attention from the need to probe limited uptake of ICT-mediated citizen engagement, the biggest challenge in the Philippines. Even a quick investigation reveals that this can be traced to the lack of quality connectivity. Internet penetration is slightly less than 50%, but most users are from urban areas. The bulk of the population in remote, rural pockets continues to be unconnected. Also, many users are on very slow connections. Although the government has public access programmes such as the Community e-Centres, these have not been a sustainable solution for bridging the digital divide (Garcia and Pacis 2017; see section 2.3). Undoubtedly, as Suerte-Cortez (2016) has noted, “e-governance [including any attempt at e-participation] seems far away when reliable connection happens once a month”. Bridging the access divide and investing in the development of connectivity is therefore an essential first step in enhancing the vibrancy of ICT-mediated citizen engagement.

**South Africa:** Historically, e-government efforts in South Africa have been guided by the vision of *Batho Pele* / People First, so the idea of e-participation has been largely interpreted as that of building a digital infrastructure that enables citizens to participate effectively in the emerging digital society, including in digital governance systems. This has meant that a lot of attention has been devoted to building infrastructure, including the recent construction of WiFi towers throughout the large cities of South Africa, creating digitally inclusive venues such as telecentre development for promoting Internet use, and establishing back-end administration for e-service delivery mechanisms. Except for the presidential hotline on citizen grievance redress, the digital opportunity for citizen consultation and dialogue through government initiatives remains largely unexplored. Government-backed ICT initiatives in these areas remain experimental and NGO-driven.

The 2016 ICT policy may bring about a shift in this state of affairs as it charts the need to intensify efforts towards promoting e-participation, especially due to the stronger implementation guidelines on digital inclusion through investing in the development of indigenous language content and local services. Although South Africa performs below the world average, it is a leader within the African region. Over the years, the country has invested in creating an enabling environment for e-participation – and what remains to be done is the task of building on this foundation of infrastructural

investment in telecommunications and e-service delivery backbone by developing vibrant e-participation initiatives (Diga 2017a).

#### **Within UN EPI top 50**

**Brazil:** The transition to e-government commenced in earnest in the early 2000s, with a main focus on e-service delivery through web portals (Gil-Garcia and Lanza 2016: 211, cited in Valente *et al.* 2017a). Over the years, in addition to e-services, government agencies also started exploring the digital opportunity for citizen engagement. In this area, by and large, the focus has been on promoting transparency. However, agencies at the federal, state and local levels have attempted to explore ICT platforms for consultation and dialogue. This is borne out by data from the *TIC Governo Eletrônico* survey carried out between June and November 2015. The survey reveals that during this period, 35% of federal organisations and 15% of state organisations carried out public consultations on the Internet. Polling exercises were adopted by 26% of federal organisations and 17% of state organisations. Discussion forums / online communities were convened by 25% of federal organisations and 13% of state organisations. Online voting was the least common method of citizen engagement attempted by government agencies, with only 10% of federal organisations and 6% of state organisations deploying this. Local governments also reported using these methods of participation to varying degrees (Cetic.br 2016, cited in Valente *et al.* 2017a).

Despite these numerous experiments in e-participation, insufficient attention has been devoted to their adequate institutionalisation (Ibid.). Also, citizens are reluctant to engage completely in digital transactions with government. Lack of higher-order textual literacy skills leads to citizens preferring face-to-face transactions rather than digital interactions for ironing out specific problems in service requests. Insufficient trust in the security and safety of online e-government transactions is another major factor. These low levels of trust may also reflect the larger democratic transition that the country is going through (see section 2.1). In the final analysis, these barriers must be fully addressed for e-participation to take off.

**Colombia:** The country started framing policies and strategic directions on ICT-mediated citizen engagement only after joining the OGP. Prior to this, e-government was framed as a technical issue of enhancing the efficiencies of a ‘service-provider’ state (Páez, Atencio, and Neüman 2013, cited in Berrío-Zapata and Berrío-Gil 2017a). The new regulations issued after Colombia joined the OGP focused on enhancing citizen access to open data and promoting informational transparency and security (Colombia 2014; Ronderos 2014, cited in Berrío-Zapata and Berrío-Gil 2017a). The *Urna de Cristal* web platform<sup>20</sup> –

which focuses on participatory governance and democratic engagement of citizens via ICT – was set up in 2010, at a time when the government was making its initial forays into the OGP. Recently, the government has started to explore the idea of co-governance (Berrío-Zapata and Berrío-Gil 2017a).

Despite these efforts, Colombia has been steadily losing its position in the UN EPI rankings. From sixth place in the 2012 rankings, Colombia has slid to 27th in the current edition of the EPI. This can be attributed to the difficulties in ensuring effective citizen engagement in a context “stained by human right violations” and marred by “restricted freedom of expression and corruption” (Berrío-Zapata and Berrío-Gil 2017a). Remedying this state of affairs is not possible unless the trust deficit in the democratic context is addressed. Only then will citizens be convinced about the potential of e-government for enabling voices to be heard.

**India:** Citizen participation emerged as a strategic priority in e-government policy and programming only in 2014 with the launch of the Digital India programme. This seeks to transform the country into a “digitally empowered economy and knowledge society” (Government of India 2014). Until that point, the focus of e-government had been on creating the connectivity backbone and digital architecture needed for the roll-out of e-services. Therefore, as citizens had been seen only as ‘users’ of government services, the idea of ‘citizen engagement’ in these initial years was mainly about setting up accountable and inclusive e-service delivery systems. Digital India has moved beyond this by emphasising ‘digital empowerment of citizens’, enhancing informational transparency and promoting state–citizen dialogue. The government has upgraded the Open Data portal first launched in 2012 and mandated all state agencies to share publicly generated non-sensitive data on this platform in human-readable and machine-readable formats. It has also set up an e-consultation portal to provide citizens with a space for freewheeling discussions on key public policy issues – the MyGov portal<sup>21</sup> – and is currently exploring the possibility of using Big Data analysis of content to identify policy priorities in 19 key areas.

Digital India is a new programme, but there are already indications about the areas that need improvement. Research studies show that compliance of government departments with requirements on publication of data sets is rather low (Agarwal 2015). Also, open data and pre-existing right-to-information legislation have to be mutually reinforced and harmonised. Using the MyGov portal as a tool for analysing public opinion, in a context where only 25% of the population have

Internet access, is bound to produce skewed results. There is a case, given the current state of connectivity, for systematic offline consultations and opinion-gathering exercises (Bharthur 2017a).

Pockets of innovation exist at the sub-national level, with state departments attempting to use ICTs in creative ways for grievance redress, e-learning and public audit (through a blend of open data and on-ground social audit processes) to facilitate monitoring of welfare schemes. There is, in many locations, a vigilant and vibrant civil society, closely monitoring the emerging digitalised governance paradigm for new risks / challenges it poses to citizen rights. In fact, civil society intervention has created pressure for roll-back of regressive legislation on online censorship and triggered the emergence of a rights-based discourse about the Internet.

**Uruguay:** Citizen engagement in service delivery and promoting ICT use among the most disadvantaged members of society has been an integral part of e-government strategy, and a key area of focus for Digital Agenda Uruguay (implemented three times between 2008 and 2015). For achieving these outcomes, involvement of actors has been sought from the private sector, social sector organisations and universities.

Historically, Uruguay has invested in offline citizen engagement mechanisms. After Uruguay joined the OGP, an attempt was made by the government to use digital affordances to strengthen them (for an example see section 4, Box 3). However, development of digital portals and e-discussion platforms for the purposes of participation (as opposed to service delivery / information outreach) has not received adequate attention (Rivoir and Landinelli 2017a). Exploration of the digital opportunity for citizen engagement has remained confined to e-information initiatives, with slow progress on e-consultation and e-decision-making. This may be the reason why Uruguay has slipped extensively in the EPI rankings – from third place in 2014 to 39th in 2016 – as other countries outperformed it.

#### **Among the UN EPI top ten**

**Netherlands:** The transition to digitalised governance was viewed as a paradigmatic shift in the state–citizen relationship, as reflected in the title of the country’s first major e-government strategy document: *Contract with the future: A vision of electronic citizenship between government and citizens* (Government of Netherlands 2000). Although the document acknowledged the need for ICT-enabled political participation, its focus was on information provision and delivery of e-services. Between 2003 and 2008,

<sup>21</sup> www.mygov.in

therefore, the Government of the Netherlands prioritised the creation of a robust infrastructural backbone for e-service delivery, launching online information portals, enabling municipalities to develop their own websites, setting up a digital authentication mechanism for citizen transactions (called DigiD<sup>22</sup>), and developing a single-window portal for service transactions with government.

In the mid-2000s, national government agencies and municipalities started exploring ICT options for citizen engagement, mostly in consultations. For example, the Ministry of Infrastructure and Environment has set up *Platform Participatie*, where citizens can provide feedback and be a part of discussions around various projects on environment and development that have been initiated by different institutions. Similarly, local municipalities have been encouraged to use ICT-enabled citizen dialogue in ways that they deem fit. These developments may have been influenced by the larger political debate within the European Union (EU) on addressing democratic deficit and institutional legitimacy, following the failure of a 2005 referendum seeking the adoption of an EU Constitution.<sup>23</sup> Consequently, the EU *Plan D for Democracy, Dialogue and Debate*<sup>24</sup> was developed, which promoted the idea of active citizenship as a way to encourage citizens of member countries to be engaged in the political future of the EU. Although this plan was not binding on member states and was more in the nature of a mission statement, it did trigger policy attention to this issue.

In policy dialogues in the Netherlands, citizen engagement is framed mainly as a ‘radical innovation’ within government. For instance, the 2012 *Report of the Netherlands Scientific Council for Government Policy* has highlighted the need for making citizen engagement attractive, by exploring new ICT strategies such as “crowd-sourcing, web monitoring, serious gaming, and strategy games” (Dumitrica 2017a). Therefore, although citizen engagement is a “hot topic within the Netherlands” (Ibid.), it does not cross over into e-government debates and its citizen empowerment dimensions. Citizen initiatives allow citizens to table a policy issue for discussion (other than the public budget) before the House of Representatives if the proposal is backed by 40,000 signatories and pertains to an agenda that has not been raised in the House within the past two years. Digital signatures of citizen petitions are permitted. However, such petitions are accepted only after a process of offline vetting in which a small number of signatories are contacted and requested to send postal endorsements. If 95% of the sample contacted

does not respond, then the digital endorsements are invalidated. As citizen interactions increasingly move online, the relative weight assigned to online and offline participation may need to be recalibrated.

The future of e-participation in the Netherlands seems to hold promise because of the existence of strong legal frameworks backing e-participation, high levels of connectivity and digital literacy, and strong civil liberty guarantees. However, citizen apathy towards political engagement in general and the top-down nature of these initiatives remain challenges to reckon with.

**Spain:** Between 2002 and 2007, when the country enacted an initial set of laws for a smooth transition to e-government, the focus was on clarifying the procedural aspects of emerging e-service delivery systems, and not so much on citizen rights. Other key aspects, such as ensuring transparent, accountable and corruption-free governance, received only minor attention. However, these legal frameworks, even if highly technical in nature, did succeed in creating an enabling environment for the “flourishing of a variety of e-government websites, transparency portals, open data portals and even some open government portals, along with the promotion of ‘politics 2.0’ among elected representatives and higher rank officials who gradually entered social networking sites” (Peña-López 2017a). But these initiatives tended to remain discrete and isolated, and did not translate into a continuum of participation (Peña-López 2011a, cited in Peña-López 2017a). While government agencies did set up large-scale ICT platforms and services to broadcast messages to citizens, they did not devote sufficient attention to actually listening to citizens’ voices. In fact, some efforts by lower levels of government to create innovative projects for meaningful deliberation and joint decision-making were rolled back by the Constitutional Court.

In the late 2000s, this situation, coupled with the emergence of increasing reports of corruption in government, led to widespread dissatisfaction with institutional politics. This led to the emergence of the 15-M movement (*los Indignados*) and new political parties, such as Podemos, committed to expanding direct participation and co-governance. When these new-age parties committed to techno-politics came to power in some municipalities, with a commitment to a “more deliberation-intensive democracy”, they launched platforms such as *Decidim Barcelona* and *Decide Madrid* (Peña-López 2017a). At the lower tiers of government, new laws have been passed to deepen

<sup>22</sup> [www.digid.nl/en/](http://www.digid.nl/en/)

<sup>23</sup> The Netherlands is a member state of the EU. In the Netherlands, the 2005 referendum failed to go through, although the national Government had expected it to pass easily.

<sup>24</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0494:FIN:en:PDF>

ICT-mediated citizen engagement and bring citizen voice into public decision-making (see section 2.1), even though there has been no such effort by national government. Thus there is a 'bottom-up' push for deepening democracy.

### Data governance frameworks

All eight countries covered by the study have set up open data policies and programmes. In some contexts, such as the Netherlands and Spain, a lot of progress has been made. In others, such as India and the Philippines, progress on open data has been uneven, especially in terms of harmonisation of open data policies with freedom of information legislation, overcoming internal resistance within bureaucratic systems to the opening up of government data sets, and investing in the creation of public demand. The launch of open data portals can be traced to the trans-national OGP. Currently, all countries in this study except India are members of the OGP; India had initially launched its Open Data portal when it was part of this partnership (although it subsequently withdrew membership).

Progress on data protection legislation is uneven. The Netherlands and Spain have robust and comprehensive data protection legislation in compliance with EU directives. The Government of the Netherlands has been able to respond in a timely manner to data breaches such as the hacking of the DigiD online identity verification and identity authentication mechanism, maintained by a third-party platform (see section 4). Also, it has undertaken forward-looking mapping of new risks and challenges for personal security and privacy emerging in the Big Data environment (Dumitrica 2017a). Uruguay's data protection law has been recognised by the European Commission as providing adequate safeguards<sup>25</sup>. The Philippines enacted a data privacy law in 2012, but its implementation, particularly the creation of a National Privacy Commission and the issuance of implementing rules and regulations, was delayed for almost four years.

South Africa has developed data protection legislation modelled after the European Data Protection Directive – the Protection of Personal Information Act – but the President is yet to announce its commencement date (Michalsons n.d.). Similarly, in Brazil, data protection legislation is under consideration in Congress. But in the interim, some guidelines regarding the collection, storage, use, treatment and disclosure of personal data in online transactions are provided in the *Marco Civil*, the

digital rights legislation adopted by the country in 2014 in its regulatory decree (InternetLab 2015, 2016). Colombia and India offer very little protection for citizen data. In Colombia, a culture of impunity persists, with government agencies blatantly violating the constitutionally guaranteed right to privacy. Both unauthorised spying on the political opposition and abuse of government data to target and threaten citizens are found to be prevalent (Berrío-Zapata and Berrío-Gil 2017a).

India has no legislation in this area. This is a major lacuna in the current context, where the government is building digital infrastructure for facilitating 'presenceless, paperless and cashless' service delivery. This digital infrastructure comprises a set of open application programming interfaces (open APIs) that can support the provision of a 'digital locker' where citizens can store their documents, an identity authentication mechanism, and a digitally authenticated payment solution that enables fund transfers without entering bank account / other details. The authentication mechanism underpinning this digital infrastructure is being created through *Aadhaar*,<sup>26</sup> the government's unique identity scheme, which aims to provide all citizens with a unique identification number linked to their demographic and biometric data. In the absence of data protection laws, the creation of such a unique identifier poses a grave risk to individual privacy. Citizen records, currently scattered across databases and platforms of different agencies, can be easily compiled for tracking an individual's entire transaction history without time or purpose limitations, or informed consent (Ramanathan 2017).<sup>27</sup>

### A digital rights law

Among the countries studied, only Brazil has enacted a comprehensive, stand-alone digital rights law – *Marco Civil da Internet* – which seeks to codify a civil rights framework for the network age, focusing particularly on the right to free expression, privacy and net neutrality. In the Philippines, a draft digital rights legislation – *Magna Carta for Philippine Internet Freedom* – is pending before Parliament (Garcia and Pacis 2017). Although the Netherlands does not have a stand-alone digital rights law, it has a host of legislative guarantees to promote Internet openness, digital security and free expression in online spaces (Dumitrica 2017a). Similarly, Uruguay has digital rights dispersed across various legislations (Rivoir and Landinelli 2017a).

<sup>25</sup> <https://www.huntonprivacyblog.com/2012/09/04/european-commission-finds-uruguay-data-protection-law-provides-adequate-safeguards/>

<sup>26</sup> <https://uidai.gov.in>

<sup>27</sup> <http://www.frontline.in/cover-story/blundering-along-dangerously/article9629188.ece>

Table 4 Maturity of e-participation

Region	Country	Strategic vision of e-participation	Open Data portal	Member of OGP	Data protection legislation	Digital rights legislation
Africa	South Africa	e-Participation largely interpreted as the development of a digital infrastructure to aid e-service delivery uptake. ICT-mediated citizen engagement explicitly identified as a policy priority in 2016.	Yes	Yes	Exists, but commencement date yet to be announced.	No
Asia	India	Digital India vision, adopted in 2014, identifies citizen empowerment as a key policy priority, and the need to leverage the ICT opportunity to enhance informational transparency and promote state–citizen dialogue.	Yes	No	Absent	No
	Philippines	Proactive citizen engagement highlighted as a key strategic priority in Government Information Systems Plan (2000) and Philippines Digital Strategy (2011–16).	Yes	Yes	Exists, but implementation delayed.	Under consideration by Parliament.
Europe	Netherlands	ICT-mediated citizen engagement viewed as a radical innovation within government, but an overall shift from a ‘deliberative ethos’ to one that instrumentalises citizen participation for production of concrete deliverables.	Yes	Yes	Robust	No single comprehensive legislation on digital rights exists. But diverse legislative instruments work together to extend offline rights to online spaces and promote online openness and security.
	Spain	Enabling environment for localised development of innovative ICT-mediated citizen engagement initiatives created by e-government frameworks. However, there is no national level legislation to enable the institutionalisation of these disparate initiatives.	Yes	Yes	Robust	No single comprehensive legislation on digital rights exists.
South America	Brazil	Although the main focus of e-government has been on enhancing digitalised service delivery, the broader institutional impetus for direct participation has led to federal and local government agencies exploring numerous ICT possibilities for citizen consultation.	Yes	Yes	Under consideration by legislature, but interim protection provided by <i>Marco Civil</i> (digital rights legislation).	Yes
	Colombia	Citizen engagement framed narrowly as interactions between service providers and citizen clients in the initial years of e-government. After the Government joined the OGP, digital strategies for informational transparency and citizen participation clearly identified as policy priorities.	Yes	Yes	Constitution guarantees privacy of personal communication, but abuse of data for political ends is widespread.	No
	Uruguay	Citizen uptake of ICTs, participation in e-service delivery and e-information emphasised in e-government strategy (Agenda Digital Uruguay).	Yes	Yes	Robust	Dispersed in various pieces of legislation.

## 2.3 Digital infrastructure development

Of the eight countries studied, the Netherlands (93.10%) and Spain (78.69%) have the highest rates of Internet penetration;<sup>28</sup> and India (26%) has the lowest. The Philippines (45.62%), South Africa (51.92%), Colombia (55.90%) and Brazil (59.08%) all have Internet penetration rates between 50 and 60%. Uruguay has a slight edge over its counterparts in the global South, with 64.60% of its population enjoying access to the Internet (ITU 2015).

Market-led infrastructural expansion cannot automatically be expected to close such digital divides in access, contrary to early expectations articulated in international policy circles. As the Broadband Commission (2016) has observed, the bulk of populations who are currently without connectivity are “found in more remote, rural areas, and consist disproportionately of poorer, minority, less educated, and often female, members of society”; in other words, populations to whom the extension of Internet services does not make for a compelling business case. What this implies is that only a cohesive public policy and programming approach can succeed in bridging the access gap. Similarly, government intervention is also needed in the area of building digital capabilities of citizenry, especially for groups that do not have the purchasing power to access e-literacy training / digital skills-building courses offered by the market. Even in contexts with near universal Internet penetration, such as the Netherlands, this ‘digital differentiation’ – differences in Internet skills and use capabilities – results in a skewed distribution of the benefits of access (van Dijk and Hacker 2003, cited in Dumitrica 2017a).

Therefore the Universal access sub-index of the World Wide Web Foundation’s Web Index,<sup>29</sup> which measures the extent to which countries have invested in Internet infrastructure and digital enskilment of citizens, is useful in enabling a comparison of the quality of digital infrastructure development across different contexts, building on initial observations about differences in Internet penetration (Table 5).

Among the sites in this research study, India (44.06%), the Philippines (51.03%) and Brazil (52.17%) are the lowest-performing countries on the Universal access sub-index, with a score below 55%. All three countries have connectivity strategies in place to pursue the goal of universal, affordable access: the Mobile Connectivity and Public Access pillars of Digital India (2014–ongoing); the Philippines’ Digital Strategy (2011–16) and National Broadband Plan (2016); and Brazil’s National Broadband Plan

**Table 5** Status of digital infrastructure development

Country	Internet penetration: International Telecommunication Union (ITU) statistics 2015 (%)	Universal access sub-index 2016* (%)
Brazil	59.08	52.17
Colombia	55.90	58.41
India	26	44.06
Netherlands	93.10	89.77
Philippines	45.62	51.03
South Africa	51.92	55.65
Spain	78.69	71.87
Uruguay	64.60	60.16

\*Web Index, World Wide Web Foundation; scores are in the range 0–100.

(2009–16) and Smart Brazil programme (announced in 2016 but not fully implemented). Connectivity strategies have focused on expanding broadband connectivity networks to rural and remote areas, and enhancing citizen uptake through setting up telecentres / public access points. However, these strategic directions have not been translated fully into on-ground implementation.

In 2012, India launched a country-wide high-speed national optic fibre network scheme, to reach connectivity to all villages (initially known as the ‘National Optic Fibre Network’, since rechristened Bharatnet). But this scheme suffered a number of implementation lags, including delays in release of funds and lack of coordination between different state agencies. Following the adoption of the Digital India framework in 2014, an expert committee was set up to examine how the scheme could be speeded up. The committee made recommendations for providing greater autonomy to state governments in managing the roll-out of the project (including opting for public–private partnerships), and suggested that the implementation deadline should be extended to December 2017. However, the Government’s connectivity strategy falls short of facilitating digital inclusion of marginalised groups and rural populations. The main failure is in its inability to create meaningful use cultures at the grassroots. Bharatnet has not been effectively integrated with public access centres and other social welfare, rural development and / or women’s rights programmes (Bharthur 2017a). In the Philippines,

<sup>28</sup> Internet penetration includes mobile broadband and fixed broadband access.

<sup>29</sup> <http://thewebindex.org/data/>

budget fluctuations have impaired the expansion and sustainability of telecentres set up under the Community eCentres programme. Brazil's National Broadband Plan could not meet the access targets that were set, despite being backed by a sophisticated legal framework (Sáe Silva and Trubek 2016, cited in Valente *et al.* 2017a) and a range of telecentre initiatives in the early 2000s. This was because funds invested by the federal government were insufficient to achieve the goals (Brazilian Senate 2014, cited in Valente *et al.* 2017a).

All three countries have digital literacy programmes (in 2017 India launched an extremely ambitious programme – the Prime Minister's Rural Digital Literacy Mission – which seeks to train one individual from each of the country's 60 million rural households in digital literacy skills). Despite this, use divides continue to persist in India. Evaluation data on previous phases of digital literacy and their implications for citizen empowerment are not available.

South Africa (55.65%), Colombia (58.41%) and Uruguay (60.16%) are one rung above, all scoring between 55 and 60% on the Universal access sub-index. South Africa's Vision 2020 statement for broadband has set clear targets for promoting universal, affordable access. To meet these targets, a project for expanding high-speed fibre network development has been initiated under the Presidency's Infrastructure Development Act (2014). The country has a telecentre programme that seeks to catalyse public access cultures, and municipal governments have started exploring public WiFi models. The implementation of these strategies in promoting access seems to be effective, going by the rapid increase in Internet penetration (Diga 2017a). In Colombia, the *Vive Digital* programme adopted in 2010 laid the foundation for digital infrastructure policy, and its key priority areas include "expanding ICT infrastructure, creating services at lower prices, developing applications and digital content, and fostering ICT adoption and use" (Vive Digital Colombia 2010). Even though Internet access has expanded, it is highly uneven, with half of the country's territories lacking connectivity. This is unsurprising in a context marked by civil war. In a 2014 report, the Inter-American Development Bank recommended that the country enhance its investment in access capacity and digital and data literacy of citizens (Berrío-Zapata and Berrío-Gil 2017a).

Although Uruguay is only a few notches higher than South Africa and Colombia on the Universal access sub-index rankings, its future prospects in development of quality digital infrastructure seem exponentially higher. Buttressed by public policies supporting the Agenda Digital Uruguay (2008–15) over the past decade, development of digital

infrastructure, as well as citizen use of ICTs, has significantly increased (Rivoir and Landinelli 2017a). Two main initiatives have contributed towards this: the universal access plan, which provides 1 gigabyte (GB) of traffic per month at no cost; and the fibre-to-home project, which by 2015 had supplied broadband to 20% of Uruguayan homes (Centre for Public Impact 2016). Other key initiatives include the *Ceibal* programme that has equipped schools with connectivity and individual teachers and students with laptops; and the telecentres programme operated by ANTEL (the state-owned telecommunications company) and the Ministry of Education and Culture. Another innovative programme has focused on providing senior citizens from low-income brackets with tablet PCs (Rivoir and Landinelli 2017a). Public support has also been extended to the sphere of digital literacy with the adoption of a National Plan for Digital Literacy in 2010.

Spain (71.87%) and the Netherlands (89.77%) are highest on the Universal access sub-index among the eight countries studied. In 2011, Spain enacted legislation to guarantee a reasonably priced broadband connection of at least 1 megabit per second (Mbps) throughout the country. The second major development was the adoption of the Spanish Digital Agenda, which seeks to leverage the socio-economic and competitiveness-related benefits of digital networks through development of quality infrastructure and digital skills of citizens (Government of Spain 2013b). However, this has not been accompanied by robust legislation for network-readiness, such as competition legislation that effectively breaks the monopoly of the incumbent telecom network operator. As a result, although individual uptake of the Internet is high, economic and social benefits of the digital economy have not been fully realised (Peña-López 2017a).

In the Netherlands, from the early 2000s the state has focused on the evolution of up-to-date Internet infrastructure that can support smooth integration of the digital into everyday routines (van Deursen and van Dijk 2014, cited in Dumitrica 2017a). Digital literacy was also flagged as an important priority. The success of these early policy frameworks is evidenced by the following data: 90% of businesses use the Internet to interact with public authorities (Eurostat 2015); and 75% of individual citizens use the Internet to communicate with public authorities (Eurostat 2015, 2016). Clearly, the Netherlands is a mature context as far as digital infrastructure development is concerned. One area, though, where policies are missing is in building citizens' higher-order capabilities to use digital platforms effectively for civic engagement (Dumitrica 2017a), an area that may become increasingly more important as digital democracy takes root.

## 3. Overview of case studies

This section provides an overview of the eight case studies of ICT-mediated citizen engagement initiatives that were studied as part of this research, summarising their genesis, key techno-design features and techno-social aspects, and outcomes for citizen engagement.

### 3.1 Participatory hazards mapping platform for informal traders in Warwick market, South Africa

#### Context of emergence

In Warwick market (located in eThekweni municipality, Durban), the NGO *Asiye eTafuleni* has been working towards inclusive municipal planning processes to address informal traders' participation in local governance. In recent years, state investment in ICT infrastructure development has encouraged many civil society groups in South Africa to explore techno-mediated processes for social inclusion. *Asiye eTafuleni* capitalised on the municipality-backed public WiFi in Warwick market, piloting a participatory hazards mapping platform in 2014 (Figure 4), with the objective of creating an evidence base for legitimising informal traders' demands for a healthy, safe and sanitary working environment.

#### Techno-design elements

The participatory mapping platform used Ushahidi and FrontlineSMS free software tools to crowd-source information from informal traders and create a digital map of infrastructural problems and occupational hazards in Warwick market.

- Traders who were members of the health risks and hazards committee, set up by *Asiye eTafuleni*, were trained to send information about key hazards via text messages over the phone / Internet (using FrontlineSMS software), or web mails, to a central reporting system maintained by the NGO. Information could pertain to a range of problems including fire hazards, potholes, sanitation issues, inappropriate storage of gas tanks and blocked fire exits. Messages had to be sent with a short description of the problem along with geolocation coordinates, a photograph, and the time and date.
- The data received was curated by team members of *Asiye eTafuleni* and vetted for relevance, completeness and accuracy. It was then represented spatially on a satellite map of the market, using the Ushahidi platform.

#### Techno-social aspects

##### *Keeping local government agencies in the loop*

*Asiye eTafuleni* periodically shared key concerns

emerging from the mapping process with local government authorities, as a strategy for ensuring that occupational safety concerns of traders in Warwick market were addressed on time. This proved to be a successful strategy in many ways. *Asiye eTafuleni* and traders worked together with the municipality to build a crowd-sourced database on potential fire hazards in the market. Based on this, the fire safety department offered customised training on safe cooking practices to food stall owners. This was a breakthrough, as previous attempts by the fire department to offer such training had not received an encouraging response from traders. Similarly, traders' emerging demands for better ventilation and planning for the herb market section, when shared with municipal authorities, led to a consultation on revamping the market's architectural design. Involving the provincial disaster management unit in a physical inspection of hazards has also contributed to bringing community needs and priorities to the fore in disaster response planning.

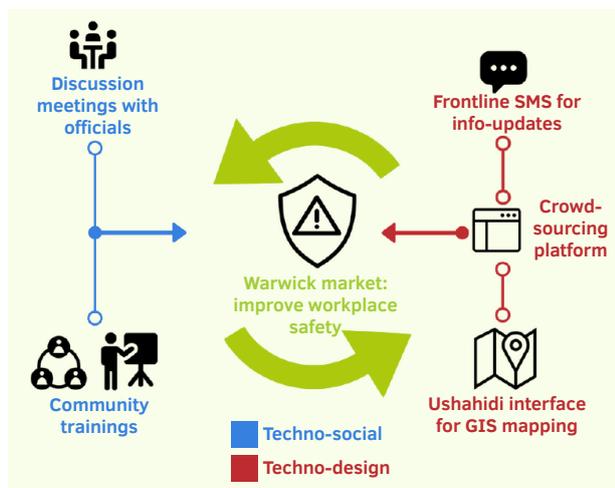
##### *Investing in sustainability measures*

The participatory mapping was not intended as a one-time exercise, but as the start of a long-term process of disaster risk management in Warwick market, which could be carried out collaboratively by the traders and municipal authorities. *Asiye eTafuleni* has therefore invested in building community capacity to carry forward this initiative by giving traders skills to use the mapping platform and enhancing their knowledge of occupational health and public safety issues through face-to-face training and text message info-outreach. It has also set up risk management subcommittees across the market. These are representative bodies that will play a lead role in collating traders' demands and presenting them cogently and cohesively to local government authorities. The funding for the project has come to an end, but it is expected that the risk management subcommittees will carry the work forward. However, in the absence of support from the NGO intermediary, the bandwidth of the risk management subcommittees to assume responsibility for maintaining and updating the mapping platform is rather limited.

##### *Outcomes for citizen engagement*

As a result of this initiative, informal traders' demands for a healthy and safe working environment have been aggregated, systematically curated and presented to local government agencies. Creating this body of evidence contributes to the recognition of occupational health and safety as a social protection right for informal traders by the municipality, and by the traders themselves.

**Figure 4** Participatory hazards mapping, South Africa



### 3.2 Rajasthan Sampark grievance redress portal, India

#### Context of emergence

The *Rajasthan Sampark* portal followed a 2009 grievance redressal initiative, Sugam, which was developed by the National Informatics Centre (the division of the Government of India that implements the technical mandate of e-governance) for the state of Rajasthan. However, the state government's Department of Administrative Reforms and the Chief Minister's Office felt the need for an integrated management system that could track and resolve grievances within the state government's various departments and branches and generate modularised reports. This had not been possible with Sugam. In response, the Department of Information and Technology developed and rolled out the *Rajasthan Sampark* portal (Figure 5), based on the conceptual inputs and mandate outlined by the Department of Administrative Reforms in 2012. The website is designed to be a single-window grievance redressal system where residents of the state can register complaints.

#### Techno-design elements

##### Front-end features

- The website provides a single window for citizens to file grievances pertaining to any and all departments and branches of the Government of Rajasthan.
- Users can file grievances by registering or as a guest under individual, group or social activist categories, along with supporting documentation. While all complaints are treated the same, the user form field entry options are different based on the selected category.
- The website allows citizens to track their grievances through a dashboard view and send reminders to officials to process a particular complaint if no action has been taken on it.

- Complainants can offer feedback and rate their satisfaction with the grievance closure, and can reopen grievances. There is also the ability to track the status of suggestions and feedback.
- A user manual with step-by-step instructions and screenshots is provided on the website.
- The portal is also available as an Android application for mobile phones.

##### Back-end processing

- Once a grievance is filed, it is automatically forwarded to the department concerned and appears on the dashboard view of the government users. Every department has customised access and software based on predefined roles set up by the information technology (IT) department.
- Laterally and vertically integrated dashboard views of grievances are available at the back end in the Department of Administrative Reforms and the Chief Minister's Office, with access to view all grievances and their status, sorted by department or by district.
- Nodal officers can request the Department of Information and Technology to create specific event tags, based on their taxonomy preferences for classifying complaints.
- Some departments, such as public health and engineering, have opted for auto-escalation of grievances to a higher level if a processing officer causes undue delays or takes no action within 30 days. The IT department has also created a 'pendancy' widget that displays the number of pending grievances on the dealing officer's dashboard.

##### Techno-social aspects

- Citizens are assisted to file complaints on the portal through a citizen contact centre (where they can call in and record their grievance for the operator to post on the portal), and facilitation centres at sub-district level.
- In-person verification and follow-up is done by an administrative services officer (the 'adopter'), who visits the complainant in person and meets with them after grievance resolution. In the event the adopter is dissatisfied, they can reopen the grievance at their end. This in-person visit, first deployed in rural areas, has now been extended to urban areas at the ward level.
- In case the complainant is not satisfied with the grievance resolution, the complainant can scale up the grievance at the weekly in-person hearing, which can be set up through the portal.
- There is an institutional coordination mechanism that comprises monthly meetings for departments to collectively meet, examine grievances filed on the portal, take stock of pending grievances and sort out follow-ups. Representatives of the contact centre / helpline and the technical team managing the portal are also present during the monthly reviews.

### Outcomes for citizen engagement

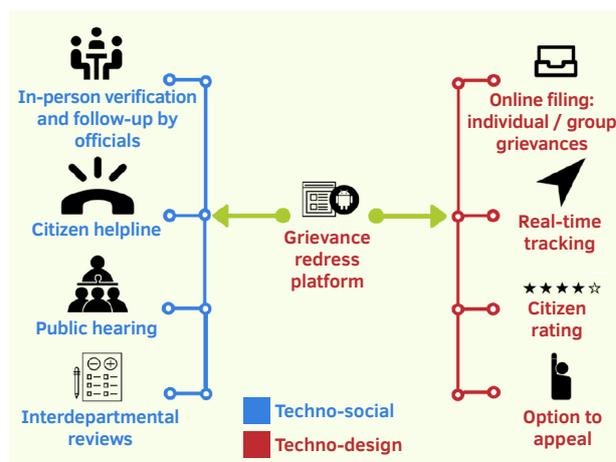
*Rajasthan Sampark* was intended to function as a system for managing individual grievances. However, the civil society organisation *Mazdoor Kisan Shakti Sangathan* (MKSS) successfully made creative use of *Rajasthan Sampark* to back a collective claims-making process. Through a 100-day campaign traversing the state of Rajasthan, volunteers associated with MKSS and a few partner organisations collected grievances on large-scale delays / stoppages of welfare entitlements, which included food grain rations and wage payments due under the right-to-work programme. Complaints recorded by volunteers were either logged manually or handed over to designated officials at the block or district level. As MKSS had a long history of engagement in the region and of interfacing with the local bureaucracy, it was able to negotiate the creation of an ‘event’ tag within the website, so that all grievances being filed by it on behalf of citizens could be tracked. The ‘event’ tag is created by the technical team managing the portal, normally on request from government users; this was the first time that this feature was made available for a civil society organisation. Using this tracking feature, MKSS was able to build a repository of thousands of grievances and make a successful case about the gaping accountability gaps and human costs of a deeply flawed governance system. More broadly, the work through the portal has also helped MKSS bolster its case for a right to accountability Act in the state.

While the grievance redressal portal has been in operation since 2012, and has been pushed as the default mode for filing grievances, uptake continues to be slow. During meetings with officials from the Department of Information and Technology, civil society members have asserted that there needs to be more publicity about the portal, especially at the points of government–citizen interaction such as the *Panchayat* (local government office), primary health care centres, schools, and *e-mitras* (e-government citizen kiosks). Another issue is the failure to disclose aggregate data about the number of grievances filed on the portal, and rates of closure.

Even though the offline support systems to facilitate filing grievances are clearly outlined in the portal user policies, and the initiative describes itself as a ‘state-level call centre with integrated web portal’, on-ground practices reflect a government bias towards the digital. When citizens reach out for help to the call centre or the contact centres, they are often redirected to the website. Filing a grievance online allows little scope for citizens to articulate the nature

of their grievance clearly and realise their right to be heard. For instance, when a woman registered a complaint about the lack of access to drinking water, she received a response noting the presence of a working water pump in her village. The architecture of the portal’s interface was unable to delve into the social context of the grievance and the larger systemic injustice involved: that as a *Dalit*, from a historically marginalised group in the country, she is barred access to the water point by the dominant caste communities of her village.

Figure 5 *Rajasthan Sampark*, India



### 3.3 Open Data portal, the Philippines

#### Context of emergence

Setting up the Open Data portal was one among the many commitments pledged by the Philippines government when it joined the OGP in 2011, and was also part of the policy agenda of the World Bank’s Manila office during this period. In addition, the development of the Open Data portal was viewed by senior officials as a relatively easy target that could serve as tangible proof of progress towards good governance. The interplay of these contextual factors led to the establishment of the Open Data Task Force in 2013,<sup>30</sup> which was entrusted with all aspects of implementing the open data programme. This included the development and roll out of the Open Data portal, as well as strategies for enhancing public demand for open data.

#### Techno-design elements

The Philippines Open Data portal<sup>31</sup> seeks to make “national government data searchable, accessible, and useful, with the help of the different agencies of government, and with the participation of the public”. Additionally, it aims to further citizen–government collaboration for enhancing efficiency and transparency in governance, by encouraging citizen uptake of open

<sup>30</sup> Comprising representatives from the Office of the Presidential Spokesperson, Presidential Communications Development and Strategic Planning Office, and Department of Budget and Management.

<sup>31</sup> [www.gov.ph/data](http://www.gov.ph/data)

data sets and providing an enabling environment for the creation of innovative data solutions that further the public good (Figure 6).

As of March 2017, the portal contained over 3,000 files of data, supplied by different executive agencies, some of which are supplemented by infographics and other applications that help users decipher the data sets more easily. Members of the public are encouraged to create infographics and apps and share them on the portal. But not all data sets are in machine-readable formats. This is because agencies have been permitted to publish data sets in pdf format and without metadata, as the Open Data Task Force's aim has been to allow agencies to adopt open data incrementally rather than insisting on a full-throttle approach.

The “use, reuse, redistribution, adaptation, and sharing of the datasets published on the portal, and the commercialization of any derivative works from these datasets” is permitted, as long as attribution is provided to the original data sets that are used.

### Techno-social aspects

The Open Data Task Force organised consultations for civil society organisations to introduce them to the various data sets on the portal, and various methods for scraping data from non-liable formats such as pdfs of scanned documents. This is because civil society organisations are seen as data intermediaries whose efforts are vital in enhancing citizen uptake of open data. In some cases, these consultations have helped in producing concrete outputs, such as the scraped data from the Full Disclosure Policy Portal of the Department of Interior and Local Government.<sup>32</sup> In other instances, these consultations have enabled the government to identify and respond to civil society requests for specific data sets, such as data about funds for disaster risk reduction and management. However, these civil society consultations have been very limited in number.

The Philippines government has periodically convened hackathons to encourage the development of innovative web or mobile applications using public data sets, such as apps for open budgets, disaster risk and reduction, procurement, etc. But the commercial and / or civil viability of the apps developed through these hackathons remains untested.

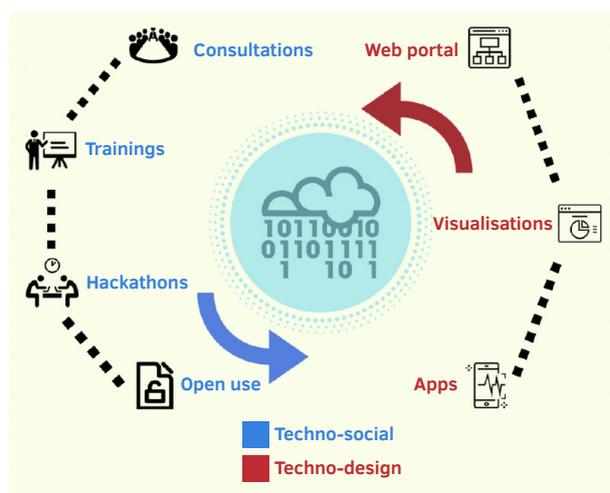
### Outcomes for citizen engagement

- Implementation of open data policies across different wings of the government has been uneven. Many agencies within the executive branch view open data as ‘risky’ and therefore have been less enthusiastic. The majority of contributions are

restricted to three agencies: the Department of Finance, the Department of Social Welfare and Development, and the Department of Justice. Also, open data adoption among the judiciary, legislature and independent constitutional bodies has been rather limited as there is no mandatory requirement for these agencies to adopt open data practices. The lack of internal capacity to handle this transition is another challenge that is present across the board.<sup>33</sup>

- The transformative potential of open data in promoting a culture of openness within the government has not been fully realised because of the long-standing absence of freedom of information legislation in the country. However, there are indications of this situation improving in the near future. In June 2017, the management of the Open Data initiative was shifted to the Department of Information and Communications Technology, which has expressed a commitment to harmonise open data with other ongoing efforts to promote freedom of information. A new Open Data portal has also been launched.<sup>34</sup>

Figure 6 Open Data portal, the Philippines



## 3.4 Ons Geld citizen initiative, the Netherlands

### Context of emergence

In the Netherlands, citizen initiatives are formal mechanisms that permit citizens to directly influence the legislative process and to engineer discussions. Citizens are permitted to submit their proposals for new legal and policy frameworks, or modifications to existing ones, to the lower chamber of Parliament / House of Representatives, as long as they are able to obtain 40,000 individual endorsements. Once a citizen initiative is admitted, the Parliament is bound to debate

<sup>32</sup> <http://fdpp.blgs.gov.ph>

<sup>33</sup> For example, in 2015, when the Open Data Task Force asked executive agencies to submit their agency data inventory, fewer than 20 complied; the common reason cited for defaulting was unfamiliarity and lack of in-house knowledge.

<sup>34</sup> [www.gov.ph/data](http://www.gov.ph/data)

and respond to the suggestions it contains. In 2015, against the backdrop of anti-austerity movements in Europe that triggered public debates on re-imagining economic inclusion, *Ons Geld Stichting*, a civil society organisation dedicated to monetary policy reform, along with an activist theatre group *De Veleiders* (The Persuaders), launched a citizen initiative for rethinking money creation (Figure 7). The core idea of this initiative centred on the insulation of monetary policy from the pressures of financialisation, so that it could become an effective public policy instrument for supporting public infrastructure creation and paying off public debt.

### Techno-design elements

Although the citizen initiative mechanism permits digital endorsements of proposals, there is no official online platform that organisers of such initiatives can utilise for online promotion of their initiatives and collection of citizen signatures. Working in this context, the proposers of the *Ons Geld* citizen initiative built their own web spaces to leverage the potential of Internet-enabled informational networking to strengthen their initiative, as described below.

- A website dedicated to the specific citizen initiative<sup>35</sup> was created to enhance information outreach about the specifics of the policy proposal, solicit endorsements, and seek donations from supporters.
- Facebook and Twitter pages were created by *Ons Geld Stichting* to make periodic announcements about the initiative as part of its informational broadcasting strategy. As of September 2016, the Facebook page had 16,000 likes and the Twitter page had 1,200 followers. Also, on the Facebook page, only *Ons Geld Stichting* could post content. Citizen involvement was limited to commenting on posts.
- A moderated discussion forum was launched on the pre-existing website of *Ons Geld Stichting*<sup>36</sup> to encourage citizens to discuss various aspects of the citizen initiative, as well as theories on the regulation of money production. Content analysis in September 2016 (of the 69 discussion threads and over 730 posts that existed on this date) revealed that the majority of topics (about 61%) sought to provide information or state a user's position on the foundation's aims, rather than focusing explicitly on a substantive discussion. Also, the forum tended to be dominated by a small number of registered users, the majority of whom were supportive of the initiative.

Thus the techno-design focused mainly on information dissemination and eliciting one-time, low-cost contributions from citizens (mainly signatures / endorsements) for the initiative. Although a discussion forum was created, organisers did not attempt to use it

to deepen dialogue with other individuals interested in monetary policy reform on the merits and demerits of their specific proposal. This was because their emphasis was on getting the maximum number of endorsements for their pre-existing proposal within a short period of time.

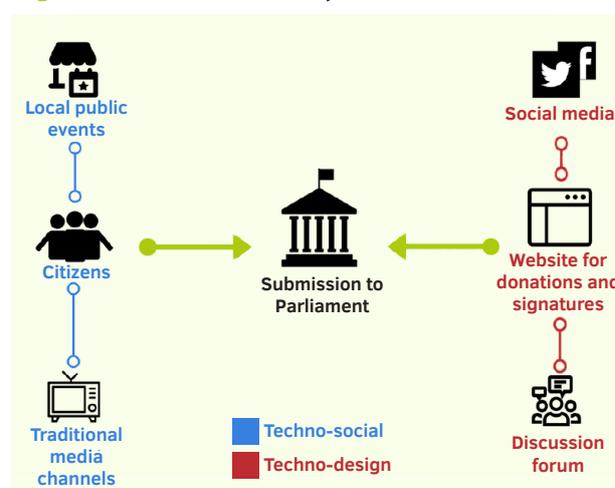
### Techno-social aspects

The activist theatre group *De Veleiders* was able to leverage traditional media channels successfully to popularise the citizen initiative. Their appearance on TV talk shows played a huge role in mobilising public opinion and obtaining endorsements and donations for the initiative. *Ons Geld Stichting's* active participation in small, local public events also contributed to the emergence of a dedicated support base over time.

### Outcomes for citizen engagement

- **Acceptance of the citizen initiative by Parliament.** In April 2015, the citizen initiative was submitted to Parliament with over 113,000 signatures, way over the required threshold. An official debate was conducted in March 2016, following which the Minister of Finance was tasked with initiating a research study into this proposal. This is currently being undertaken by the Dutch Scientific Research Council, and a report is expected to be filed in late 2017.
- **Limited emphasis on fostering deliberative dialogue in proposal development.** The Internet was used as a mechanism for broadcasting the organisers' specific proposal for monetary policy reform and inviting endorsements on the same; rather than deepening dialogue to collectively evolve a policy framework on this issue. This was partly because the citizen initiative mechanism places greater weight on the number of signatures gathered in its evaluation of policy proposals, rather than on the depth of deliberative dialogue that informs their development.

Figure 7 *Ons Geld* initiative, the Netherlands



<sup>35</sup> <http://burgerinitiatiefongsgeld.nu/>

<sup>36</sup> <http://onsgeld.nu>

### 3.5 *Decidim Barcelona*, Spain

#### Context of emergence

The 15-M movement (*los Indignados*) of 2011, which emerged out of the deep disenchantment of Spanish voters with the non-accountability of institutional politics, led to the rise of new political parties rooted in a hacker and techno-politics ethos, committed to the idea of building a new direct democracy model. In the municipal elections of 2015, there was a wave of support for these radical political formations and they came to power in eight cities, defeating established parties. Amidst this wave of change, *Bcomú*, one such new-age political party, won the elections to the Barcelona City Council. As part of its strategy of reinvigorating citizen dialogue and deliberation, and opening up political institutions, *Bcomú* sought to invest in developing a participatory digital platform that would catalyse “rhizomatic, autonomous self-organisation of citizenry” (D-CENT 2016) and reinvigorate democratic decision-making. This led to the launch of the *Decidim Barcelona* portal in February 2016 (Figure 8).

#### Techno-design elements

The *Decidim Barcelona* platform<sup>37</sup> was developed on the Open Source platform CONSUL, so that all deliberations on the platform, as well as its technology architecture and source code, are open to public scrutiny. The platform was first tested out in the development of the Municipal Action Plan (PAM) 2016–2019 through a two-month-long participatory decision-making process that lasted from February to April 2016.

Interested individuals and civic organisations could create accounts on the platform, put up proposals for city development and comment on proposals put up by the City Council. Proposals had to pertain to one of five key thematic axes: good living, ecological transition, plural economy, good government and global justice. They also had to be geographically bound, either pertaining to the whole city or limited to specific district(s) within it. In addition to putting up their own proposals, the platform allowed individuals and civic organisations to debate the different proposals that had been shared on the platform; provide arguments in favour of, or against, specific proposals; and explicitly support proposals by voting on them.

Any individual could put up a proposal, but voting on proposals was restricted to residents of Barcelona. At the time of registration, residency details entered by an individual were checked against the municipality registry, but after this one-time check, no personal data was retained. Also, individuals could use a pseudonym to maintain their anonymity in interactions on the platform. A wide range of dashboards and

visualisations were made available on the platform to enable users to navigate across proposals, follow arguments in support of or against proposals, identify which organisations were supporting / opposing the proposals, and track proposals that were ‘trending’. Most importantly, citizens could follow proposals to their final fate (acceptance, integration with other proposals or rejection by the City Council due to feasibility issues / failure to fit into the strategic priorities of the Plan).

#### Techno-social aspects

A dedicated PAM-PAD (Municipal Action Plan and Action Plans of the ten districts of the city) office was set up to take charge of coordinating strategic planning through *Decidim Barcelona*, with designated staff members to address different thematic areas and different geographic districts.

In the initial months after the portal was set up (February–April 2016), facilitators employed by the PAM-PAD office set up kiosks in various districts of the city to inform citizens on the initiative, and trained them in using the *Decidim Barcelona* platform. The City Council also ran campaigns on traditional media and web channels to motivate citizens to participate in this initiative.

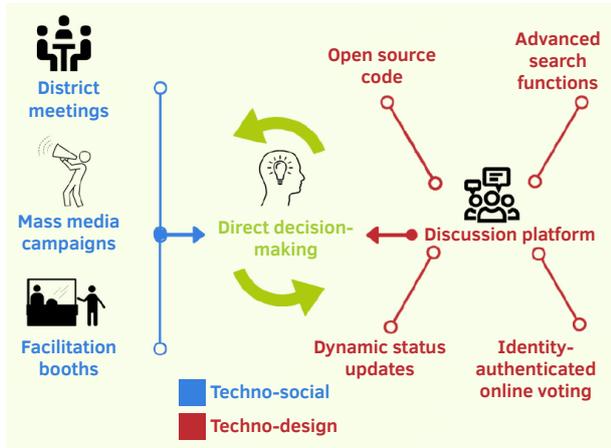
The PAM-PAD office tried to ensure that traditional, face-to-face consultations and deliberations over the portal fed into each other. The proposals and key highlights of deliberations emerging from such offline events were updated by the PAM-PAD office and fed into the portal. Similarly, proposals arising from the online deliberation were presented for discussion at offline events.

#### Outcomes for citizen engagement

- *Decidim Barcelona* has accommodated low-cost, sporadic forms of participation as well as highly time-intensive forms. This has brought in greater pluralism and diversity in civic engagement.
- The issue-based deliberation encouraged by this initiative has led to the emergence of fluid collectives / incipient clusters of citizens and civic organisations who come together temporarily to work on a particular proposal, but without establishing a formal partnership. This is clearly a step towards building a liquid democracy.
- The municipality of Barcelona has launched *Metadecidim*, through which citizens can contribute to improving the portal for future initiatives in participatory decision-making. It is also sharing the free software-based technology, procedures and protocols that underpin the initiative with other municipalities at the regional level, sowing the seeds of a new open-source city movement.

<sup>37</sup> [www.decidim.barcelona](http://www.decidim.barcelona)

Figure 8 Decidem Barcelona, Spain



### 3.6 Marco Civil and copyright law reform consultations, Brazil

#### Context of emergence

Since 1988, when democracy was restored in Brazil following two decades of military dictatorship, there was dedicated investment in building a robust citizen participation culture across all tiers of government. This institutionalisation of direct participation helped to create a state that was highly permeable to civil society. However, government agencies started exploring the digital opportunity for strengthening direct participation of citizens only in the mid-2000s. Two pioneering initiatives in this area were the 2009 consultation on the *Marco Civil* / Internet Bill of Rights led by the Ministry of Justice (Figure 9), and the 2010 consultation on copyright reform by the Ministry of Culture (Figure 10).

#### Marco-Civil / Internet Bill of Rights consultation

##### Techno-design elements

This process was steered by the Brazilian Ministry of Justice in 2009, with technical inputs from the academic organisation Centre for Technology and Society of the Getúlio Vargas Foundation (CTS-FGV), which was formally contracted to be an adviser to the government. The Ministry of Justice wanted a blog-like platform that would enable user interactions without moderation, and decided on the pre-existing portal *Cultura Digital*,<sup>38</sup> which had been developed by the Ministry of Culture to facilitate public debates in the domain of culture and technology. The consultation was rolled out in two phases.

##### Phase 1 (October–December 2009):

**Aim:** invite citizen contributions that could help the Ministry of Justice in creating a draft text for the Bill.

##### Features:

- On an open blog space, participants had to comment on a list of “issues of attention” uploaded by the Ministry of Justice. These issues were clustered

into three separate axes, each of which had its own discussion page: individual and collective rights; intermediary liability; and guidelines to government.

- A clear set of participation guidelines was uploaded on the platform, which clarified that the space was not a chat room or debate forum, but a qualified discussion environment in which opinions posted had to be adequately justified. It also cautioned users that, although the three thematic areas were interconnected, comments had to be posted under the right axis or they would be disregarded.
- A clearly specified Terms of Use document for the *Cultura Digital* platform as a whole was also available, which alerted users about the public nature of the discussion space.

##### Phase 2 (April–May 2010):

**Aim:** Invite comments on specific provisions of the draft text of the Internet Bill of Rights, prepared by the Ministry of Justice after compiling and analysing the comments from the first round of consultation, with support from CTS-FGV.

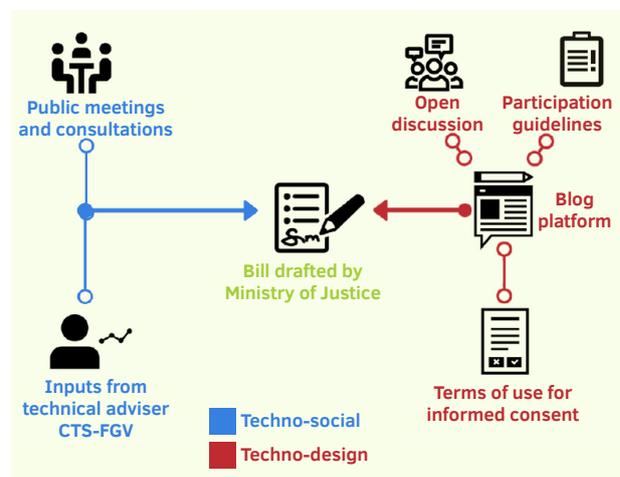
**Features:** The preliminary draft legislation was uploaded on the platform. A freewheeling open blog format was used to enable users to give their comments / reflections on the various sections of the Bill.

##### Techno-social aspects

The Ministry of Justice organised regular face-to-face meetings with CTS-FGV to make sense of the contents posted and the arguments, and take them into consideration in preparing the draft text. The final authority to draft the text remained with the Ministry, and CTS-FGV was involved only in an advisory capacity.

The Ministry of Justice also held offline events and seminars on the *Marco Civil* / Internet Bill of Rights, and the inputs received from these forums were also taken into consideration during the drafting of the Bill.

Figure 9 Marco Civil, Brazil



38 <http://CulturaDigital.br>

## Copyright law reform process

### Techno-design elements

In 2010, the Brazilian Ministry of Culture initiated a process of copyright law reform to ensure existing legislation in this area could adequately reconcile the competing interests of authors of creative works, owners of creative industries, and citizens' rights to open knowledge and free culture in the digital age. On the basis of their ongoing conversations with different stakeholder groups (academia, civil society and creative industries), the Ministry prepared the draft text of a new legislation, and then used the *Cultura Digital* platform to open up the text for public consultation between June and August 2010.

Features of the consultation held June–August 2010:

- **Entry level requirements:** Individual citizens and civic organisations seeking to participate in the platform had to create a user account on the *Cultura Digital* platform and enter their unique taxpayer account number for authentication.
- **Design of deliberative space:** To make the process accessible to the layperson and expand participation beyond experts and professional activists, the text of the draft Bill was divided into several pages so that users would not have to scroll down to find an article. The platform also featured a search box to allow users to look across pages for a particular term, section, article or paragraph. Users could insert comments against specific sections, and they had to indicate whether their intervention was in support of, or against, a particular section, and provide a clear justification. However, the platform did not support replies to user comments.
- **User monitoring and tracking:** An interesting feature of the platform was the use of an API to track Internet protocol (IP) addresses of comments, to monitor if a powerful organisation / institution was trying to 'fix' the consultation by registering multiple user accounts from the same location. The executive was almost ready to compile the results of this public consultation and table the revised legislation before Congress, when a political shift that led to the appointment of a new minister of Culture resulted in another round of consultation being convened between April and May 2011. The new Minister was more sympathetic to an industry-oriented copyright legislation, and this political intent is reflected in the following design features.

Features of consultation held April–May 2011:

- The new consultation process upped the bar for participation by putting in place a detailed and complex registration form as an entry-level requirement.
- Individuals could register and enter their inputs on the *Cultura Digital* platform, but organisations had

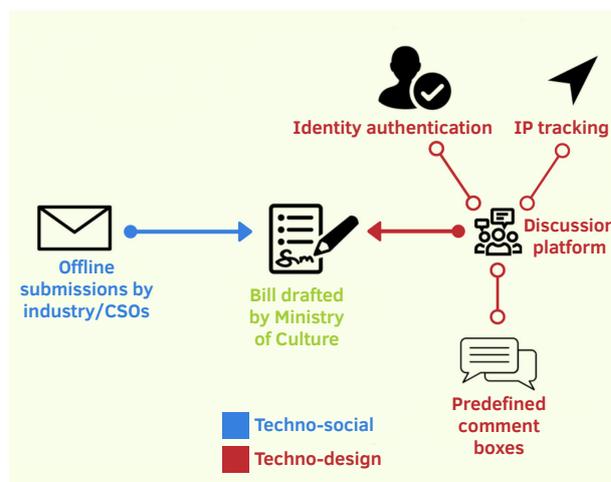
to send their inputs through a private, formal mail to the Ministry and these documents were not shared on the online platform.

- Each individual contribution had to be backed with justification invoking local or international legislation.

### Techno-social aspects

Formal offline inputs from industry bodies and civic organisations were solicited during the second round of consultation, convened between April and May 2011. But these were not fed back into discussions on the online platform.

Figure 10 Copyright law reform, Brazil



## Outcomes from both consultations for citizen engagement

- The techno-design of the *Marco Civil* consultation and the first round of the copyright law reform process enhanced participation by ordinary citizens. The draft text-based format adopted in the latter process was an improvement over the free-floating blog format of the *Marco Civil*, as it ensured that user comments were systematised and not vague. In contrast, the tightening of controls on participation in the second round of copyright law reform severely limited participation. While there were over 2,300 discrete inputs in the two phases of the *Marco Civil* process and 7,863 inputs in the first round of the copyright consultation, there were a mere 178 inputs in the second round of the copyright law reform.
- In both consultative processes, the results of direct participation were watered down by traditional lobbies influencing elected representatives in Parliament. In case of the *Marco Civil*, the draft text prepared by the executive officials of the Ministry of Justice was altered at the stage it was debated in Parliament, as elected representatives bowed down to pressures from Internet intermediary and creative industry lobbies to water down key provisions of the draft Bill. Therefore the final Bill did not fully reflect the spirit of the consultation, but was still relevant as it came half

way towards meeting some of the demands. Similarly, in the copyright law reform process, the results of the first round of citizen consultation were jettisoned after a political shift and a more restrictive second round of consultation was reopened. However, even this round of consultation did not result in the enactment of new legislation due to a lack of political will.

### 3.7 *Urna de Cristal* platform, Colombia

#### Context of emergence

Colombian democracy has had a chequered history, with unresolved violent conflicts and entrenched criminal networks co-existing with institutional democracy for over five decades. As a result, citizen–state relationships have been characterised by suspicion and mutual distrust. Efforts by the state to leverage the digital opportunity for deepening citizen participation began only in the mid-2000s, when the government encountered global narratives of the open government paradigm. Investing in the e-government opportunity for reinvigorating citizen accountability seemed a timely political move as, in this period, the government was also intensifying its efforts to forge a sustainable peace accord with left-wing guerrilla forces. As part of this political shift, the e-participation platform *Urna de Cristal* was launched in October 2010 (Figure 11), and a policy on digitally mediated citizen participation was drafted in 2011.

#### Techno-design elements

The aims of the platform are to:

- provide information updates about governmental initiatives
- address citizen grievances pertaining to any government department / agency and guarantee a response within a specified time period
- support government departments and agencies in initiating discussions on public policy issues with citizens.

The platform supports three types of state–citizen engagement:

- *pedagógicas*: Q&A exercises where government departments address citizens' information queries
- individual consultation: a process through which citizens post specific problems / grievances to a particular department / agency, with a guaranteed response within a specified time period
- participation exercises: e-discussions on public policy matters (such as animal cruelty, rehabilitation of displaced groups, employment, sports), with each discussion backed by an online record of key participation-related statistics.

#### Techno-social aspects

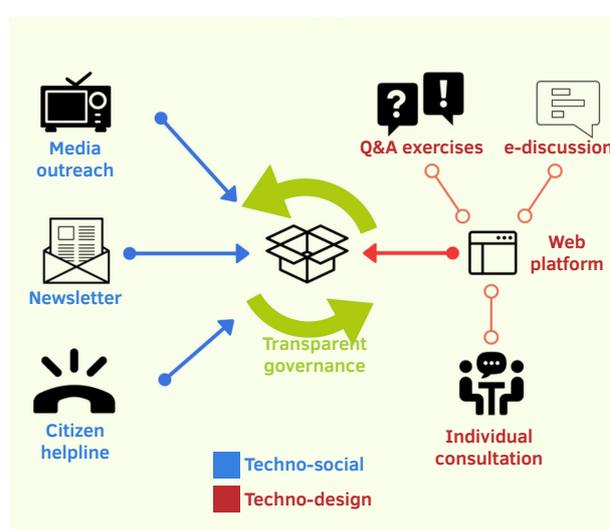
To expand its reach, *Urna de Cristal* uses a Twitter and Facebook outreach policy and a newsletter, as well

as traditional mass media. There is also a helpline associated with the initiative to address queries and concerns of citizens with limited techno-capabilities.

#### Outcomes for citizen engagement

The low levels of trust in government have impacted on the initiative's credibility. This has been worsened because of scandals about irregularities in the appointment of the first director of *Urna de Cristal*, nepotism in the selection of the IT contractor, and the persecution of a citizen who criticised the government on the initiative's Twitter channel. Citizens' limited political education and informational and data literacy has also led to shallow citizen engagement exercises, which have only contributed to the reinforcement of propaganda.

Figure 11 *Urna de Cristal*, Colombia



### 3.8 Open Government National Action Plan consultations, Uruguay

#### Context of emergence

Uruguay is a robust democracy with a long-standing history of institutionalised citizen engagement mechanisms and a sound track record of respecting citizens' civic–political liberties and electoral freedoms. In 2007, with the inception of the Agenda Digital Uruguay strategic plan and the creation of the Agency for the Development of E-government and Information Society (AGESIC), the country began investing in the creation of digital infrastructure and strengthening e-service delivery systems. In 2011, after joining the OGP, Uruguay sought to leverage the ICT opportunity to strengthen governance efforts for transparency, accountability and responsiveness to citizens' concerns. As a part of this, the government started developing two-yearly Open Government National Action Plans (NAPs), and put in place an institutionalised multi-stakeholder model of citizen participation, combining offline and online strategies

(Figure 12). Three such NAPs have been developed: NAP 2012–14, NAP 2014–16 and NAP 2016–18.

### Techno-social aspects

- Open Government Working Group of AGESIC:** The executive body AGESIC has been entrusted with responsibility to create and manage a multi-stakeholder Open Government Working Group that leads the preparation of all NAPs. During the preparatory process of NAP 2012–14, membership of the Open Government Working Group was restricted to officials from different government agencies. From the second NAP onwards, membership of the Working Group has been expanded to include representatives of civil society, in response to requests.<sup>39</sup>
- Open Government Network:** In 2012, three civil society organisations in Uruguay formed the *Red de Gobierno Abierto* (RGA, the Open Government Network)<sup>40</sup> in order to effectively coordinate civil society engagement with the NAP process, and its membership has since expanded to 17 organisations. Also, from the second NAP preparatory process, when the Open Government Working Group expanded its membership to include civil society representatives, the network has been charged with civil society nominees.
- Open Government discussion meetings:** These are periodic forums convened as part of the Open Government preparatory process, during which members of the Open Government Working Group interact with the wider public and civil society to take stock of their demands and priorities.

### Techno-design elements

ICT strategies have been used to support the preparation of the NAPs in the following ways.

- Email, Facebook and Skype have been used by members of the Open Government Working Group and the Open Government Network, to coordinate their work.
- Social media have been used to publicise dates of discussion meetings by the Open Government Working Group and Open Government Network.
- Online public enquiries are possible via comments (500 characters) on key aspects of NAP proposals, through AGESIC's Facebook page, website and email.
- Records of all aspects of the NAP preparatory process are maintained and posted on government websites.

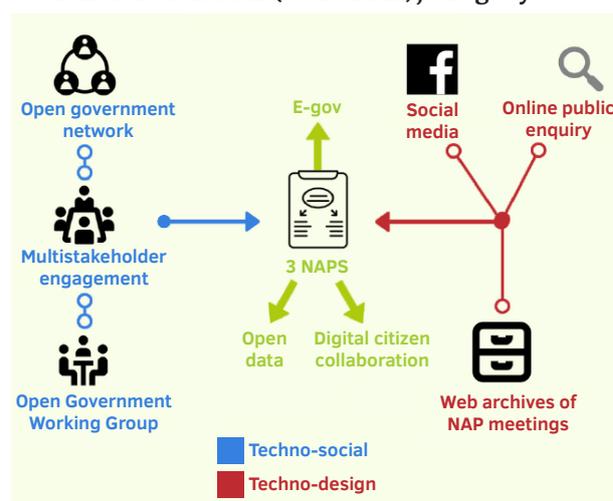
In addition, NAPs have contained commitments to strengthen digital strategies for responsive governance

and citizen engagement, with the first NAP on overall e-government strategies; the second on open data and informational transparency; and the third on sector-specific strategies for promoting citizen participation and collaboration in governance. The second NAP, focusing on open data, led to a partnership between the health ministry and the NGO DATA Uruguay, for the development of the At Your Service<sup>41</sup> open data app, which seeks to help citizens leverage open data for making health care-related decisions.

### Outcomes for citizen engagement

- By and large, it is the offline mechanisms – the discussion meetings – that have been effective in eliciting participation in development of the NAPs. The online public enquiry has met with a very poor response. This is because, although Uruguay has a robust system of institutionalised participation, it does not have a strong culture of digitalised citizen engagement. While e-service delivery is well developed, there is no dedicated portal for citizen deliberation. The hope is that the NAP commitments will slowly bring about change by helping to roll out apps and platforms promoting online participation, and strengthening pre-existing offline citizen engagement mechanisms (see section 4, Box 3).
- The multi-stakeholder mechanism put in place for development of the NAPs through the establishment of the Open Government Working Group has led to the rise of a new type of civil society organisation: new-age, tech-savvy organisations with a more pragmatic approach to partnering with government on specific projects.

**Figure 12** Open Government Partnership–National Action Plan (OGP-NAP), Uruguay



<sup>39</sup> The Working Group comprises representatives of the Planning and Budgeting Office; the Ministry of Economic and Financial Affairs; Ministry of Foreign Affairs; National Statistics Bureau; Public Information Access Unit; AGESIC; Institute of Political Science, Faculty of Social Sciences, University of the Republic; and members of two civil society organisations representing the Open Government Network

<sup>40</sup> <http://rga.uy>

<sup>41</sup> [atuservicio.uy](http://atuservicio.uy)

## 4. Emerging norms of citizen participation

ICT-mediated citizen engagement may be structured in various ways: to enhance the potential of direct democracy for citizens to contribute in multiple ways; to reduce administrative bottlenecks through automation and make interactions more convenient; and to offer better service provisioning. The ‘Voice or Chatter?’ project studied a range of platforms, modalities and formats of citizen engagement across various sites to understand how norms of e-participation are produced, reproduced and restructured. These included social media presence and interactions, crowd-sourcing platforms and tools, online consultation portals and processes, deliberative forums, grievance redressal systems, communication and interaction facilitation interfaces, and information and data initiatives.

Both state and citizen-led efforts to employ technology for engagement are multi-channel and diverse. But corresponding institutional norms are key to determining whether these initiatives foster innovative and inclusive citizen engagement. They are the rules and conventions that produce and reproduce “structures of legitimation” and lend systemic character to social relations (Giddens 1984) through a process or routinisation (discussed in section 1). The norms of citizen–state interaction are not only implicated in the situated practices of governance and citizenship, but also bear upon the discursive imaginaries of citizen engagement. Similarly, the norms of citizen engagement lend concrete form to visions and meanings of digitally mediated democracy, and manage and shape expectations regarding citizen rights and obligations among actors in governance as well as the systems of state responsiveness. Thus norms and meanings co-constitute each other, and the movement between the two cannot be treated as linear or unilateral.

In the same vein, norms of citizen engagement cannot be treated as a fixed framework context. Such an overbearing perception of Structure should be avoided. The purposive actions of human agents implicated in these systems – policy-makers, technological experts, elected representatives, bureaucracy, other non-state political actors and citizen agents across social strata – must be recognised in the process of norming, as instrumental in setting, replicating, subverting or rehauling codes of practice. Often, agents’ actions may have “unintended consequences” that then become “unacknowledged conditions of action in a feedback fashion”, leading to disruptions and discontinuities, and structural transformation (Giddens 1984).

It is in this context that we examine the production and recursion of norms in the eight sites in ‘Voice or Chatter?’. Through the specific case studies, and supplemental examples from the state-of-the-art reports, this section attempts to address the following questions:

- What are the emerging norms in ICT-mediated citizen engagement?
- What are the emerging norms underpinning partnership arrangements in ICT-mediated citizen engagement?
- How are the norms of openness, transparency and deliberation recast in ICT-mediated citizen engagement?
- How does digital participation shift rights and obligations in state–citizen relationships?

### 4.1 Norms of citizen engagement and the neoliberal paradigm

It is widely acknowledged that the contemporary democratic context unfolds in the global, neoliberal economic paradigm. Neoliberal globalisation has greatly restructured the role of the state, creating an aspirational paradigm of ‘good governance’ (Gore 2000; Harvey 2005; Scholte 2005). A marriage of convenience between the economic goals of cost reduction, performance enhancement and efficiency; and the democratic values of transparency, accountability and inclusion is evident in the discourse of governance (Kickert, Klijn and Koppenjan 1997; Rhodes 1997; Newman 2001) and advocated vociferously through instruments of global influence such as the World Bank (World Bank 2000). The resulting ideology of techno-solutionism, critiqued by scholars such as Morozov (2013), which posits that technology can resolve systemic problems with innovative design, is heavily implicated in this project. Nations across the world are turning to digital solutions, fixes and innovations to improve governance and express a desire to capitalise on the opportunities afforded by the rise of the network society (Castells 1996).

From a Giddensian standpoint, it may be said that social life and its circuits of reproduction in current conjunctures are manifestly patterned on relational architectures in globalised space–time, giving rise to governance systems with certain shared attributes, but also encompassing unique, historically situated, local characteristics. Thus the practices of digital democracy, cast through structure (at the state end)

and enacted through agency (both at the citizen end and through actors within the state), reflect in their interplay historically contingent negotiations within the paradigm of neoliberal globalisation. This broad context informs the following discussion.

### **Finding 1: The digital moment is marked by normative flux**

While the desire and compulsion to expand into ICT-mediated citizen engagement is universal, the institutional responses to this challenge are embedded in the particular political, economic and social context of every nation. In certain post-colonial contexts at the crossroads of the neoliberal moment, where larger institutional end norms are still evolving, digital leapfrogging marks a point of rupture. In India, digital citizen engagement is being cast as a means to overcome the ills of legacy systems. In Colombia, a grand ambition to usher in greater levels of transparency and efficiency translates into low-stakes public management exercises in direct democracy (Berrío-Zapata and Berrío-Gil 2017a). In Brazil, we observe digital citizen engagement clearly subordinated to pre-existing institutional mechanisms of channelling citizen voice through representative democracy (Valente, Kira and Ruize 2017b). The same can be said for Uruguay, which – despite being a developed economy (and hence not strictly in the same category) with high levels of connectivity and good service provision interfaces – retains its strong preference for face-to-face engagement between state and citizens (Rivoir and Landinelli 2017b). In South Africa, ICT-mediated citizen engagement has been treated largely as a supply-side issue, with heavy investment in telecommunication infrastructure roll-out, back-end information management systems and little else (Diga 2017a). The Philippines is one of the few Asian nations to have a comprehensive policy of e-government, but here again the focus has been on ICT channels for enhancing informational transparency, rather than on deepening deliberation.

The Netherlands and Spain are both developed countries with a longer history of e-government. Here, high levels of connectivity and digital literacy, and strong and autonomous institutions of local-level governance, coupled with stronger civil liberty safeguards embracing particular forms of citizen engagement afforded by the digital (crowd-sourcing, online commenting and discussion, petitioning and voting), have seen a smoother trajectory and a greater expansion of the digital opportunity. A norm shift from a 'deliberative' to a 'deliverable-oriented' model is observed, where participation mechanisms orient themselves around clear actionables and objectives, although this plays out in different ways. In Spain, which has transitioned from a dictatorship in the 1970s to a tightly controlled black box model of democracy, digital technologies have presented an opportunity for pockets

of the nation, particularly cities and municipalities, to open up and allow citizens a greater role in shaping the public agenda (Pena-Lopez 2017a). In the Netherlands, citizen engagement has become institutionalised in highly depoliticised mechanisms, which create economic value for the state (Dumitrica 2017a).

### **Finding 2: Digital mediation frameworks are shaped by, and in turn determine, agentification**

The institutional reproduction of citizen participation in digital times needs to be situated within the rise of a network governance paradigm (Kickert *et al.* 1997), where governance arrangements are engineered across geographic scales and policy sectors, and implicate networks of actors from the public, private and non-governmental fields. One key way in which this happens is through a process of 'agentification' (Rhodes 1997), where a vertically integrated large public sector is dismantled into fluid, public-private contractual arrangements through the outsourcing or delegation of key public functions and services to private parties or persons (Ferlie, Fitzgerald, McGivern, Dopson and Bennett 2011).

In the building or facilitation of digital solutions, agentification becomes reified as a given truth of good governance. A lateral evacuation of the state takes place (Rhodes 1997) in the neoliberal preoccupation with 'lean' and efficient governance (a theme we will discuss alongside other themes in the course of this section). We see how private actors become integrated within the governance system and arrangements as service providers, consultants, advocates and lobbyists, and technology experts and designers; while government bodies and entities pattern themselves to be more 'corporate' by emulating the structure and staffing mechanisms of the private sector. In exploring the dimensions of agentification and how the involvement of private actors produces norms of citizen engagement, we find the following. In the Netherlands, for instance, citizen engagement through petitions and citizen initiatives is completely dependent on private platforms such as *petities.nl*, Facebook and Twitter, as there is no state-led portal / interface to steer it (Dumitrica 2017b). In the Philippines, the Open Data initiative saw intense involvement by the World Bank, which worked with the Philippines government to set up the portal and train government officials in working with data sets (Baleos *et al.* 2017). In India, private technocrats can be encountered in every government office and, as part of e-government design and implementation teams, confidently wear the face of the government. Policies are explicitly realigned towards 'minimum government, maximum governance' (Bharthur 2017a). South Africa has seen the rise of NGO-led 'tech-ups', with reporting systems, online score cards and data platforms plugging governance

lacunae, as state-led efforts have focused mainly on the backbone and built infrastructure.

### **Finding 3: Agentification in the digital space reflects norm flux and can present a normative crisis**

When network governance arrangements in ICT-mediated citizen engagement arise from a retreat of the state, there is a re-signification of public interest, and fluid arrangements that serve the cause of lean governance become the preferred mode. Rule-making, in the form of procurement policies, contracting procedures, data ownership and sharing policies, may circumvent or not give full consideration to issues of accountability, leaving room for a governance deficit. In these situations, outsourcing or partnership arrangements may not be quite the gilded solution they promise to be (see Box 2).

In India, ambiguity in data-sharing policies between the data management agency contracted to create and run the management information system of the National Rural Employment Guarantee Programme and the Government of Andhra Pradesh resulted in notable discrepancies and administrative hiccups, compromising verification and social audits of payments to beneficiaries. Interviews with key informants in India revealed that sweeping powers are often afforded to private providers in memoranda of understanding with respect to data (Bharthur 2017b). When states rely on third-party platforms for citizen engagement, they also lose the ability to shape the space of engagement and enrich it with protocols and standards that can make the process as inclusive, accountable and rewarding as possible for citizens.

### **Box 2. The SASSA case: a tale of public–private partnership gone wrong**

In 2017, the welfare system in South Africa was severely compromised as a result of the South Africa Social Security Agency (SASSA) entering into a poorly framed contract with a private company, Cash Paymaster Services (CPS). The contractor, which was entrusted with the task of administering welfare entitlements to beneficiaries in the country from April 2012 to March 2017, was able to exploit the database of welfare beneficiaries to make unauthorised debit deductions from beneficiaries' welfare grants through their SASSA bank accounts towards payments for airtime, electricity and various types of loans and financial instruments that were held by its sister concerns. The contract was allowed to continue for the stipulated time period, despite the fact that it was declared invalid by the Constitutional Court in 2013 (following legal action filed by a competitor; see Nugent 2013), since revoking the service provision agreement would have created a serious governance crisis. SASSA was due to take over in April 2017 from CPS, by building in-house capabilities to manage its grants while it waited out the contract period, but it failed to realise its objectives and had no contingency plans to take over from CPS. Thus the agency was left with little or no recourse but to consider extending an already unlawful contract with CPS, which not only demanded an increase in fees, but also threatened to walk away with the database of welfare beneficiaries in the event that the agreement was terminated. In a nation where welfare is a critical lifeline for the poor, the looming vacuum of the grants payment system presented a situation threatening to escalate to civil unrest. This crisis was only narrowly averted through legal intervention and civil society action through the 'Hands off our Grants' programme (Black Sash 2014). When SASSA approached the Constitutional Court for approval of the proposal in February 2017, the court ruled that the contract would be allowed to continue for a period of one year, within which SASSA would develop a clear transition plan. The court also emphasised that the confidentiality of beneficiaries' data needed to be protected and that providers working for the state could not assert ownership over the data. This move has undone some of the damage to the welfare system, but it only goes half-way.<sup>42</sup> Worryingly, in May 2017, CPS's parent company, Net1, successfully moved the courts to have the regulations against unauthorised deductions from grant beneficiaries that were issued in 2016 struck down. Civil rights organisation Black Sash, a key actor in the 'Hands off our Grants' programme, reflecting on new actors in network governance, makes a sharp observation on how weak norms in such arrangements directly impinge upon citizen rights:

“The reality for many grant beneficiaries is that deductions and debit orders often go off before they have received their grants, leaving people with insufficient funds to care for themselves or their families for the rest of the month which perpetuates the cycle of indebtedness. These financial institutions that appear to have captured a portion of the social grants budget have no qualms in continuing to sell financial products to the poor, as their repayments are basically guaranteed irrespective of the undue hardship this creates.” (Black Sash 2017)<sup>43</sup>

<sup>42</sup> <https://www.blacksash.org.za/index.php/hands-off-our-grants-background-and-timeline>

<sup>43</sup> <https://www.blacksash.org.za/index.php/media-and-publications/media-statements/1730-black-sash-media-statement-a-hollow-victory-for-net-1-and-its-subsidiaries>

## 4.2 Norms in relation to democratic accountability

Democratic accountability is an important institution end requirement, as the meaningful realisation of voice presupposes the fulfilment of the social contract (discussed in detail in section 2) that guarantees public service access, grievance redressal, the right to be heard and the right to participation. In the effort to 'close the loop', we see how norms of digital participation reflect the consequences of political intent and the technological choices made by the state.

### Finding 4: New norms on openness and transparency are used variously by different political regimes

Political capital in the digital age is galvanised through a new norming around openness and transparency. Norm shifts in citizen engagement mark shifts in, or are concurrent with, political regimes. With a change in government in Brazil and Spain, a desire to set oneself apart from the predecessor or the federal powers, and a particular culture of democracy, led to political choices for the expansion of participatory processes (Valente *et al.* 2017b; Pena-Lopez 2017b). Thus in Brazil, an online deliberation platform was created for the *Marco Civil* process, and in Spain, a deliberation platform was based on an ethos of openness and transparency. In India, when the National Democratic Alliance came to power in 2014, with it came the idea of a Digital India and a wholesale embrace of the digital opportunity. Similarly, in the Philippines, we saw the Duterte administration passing an executive order on freedom of information after the 2016 elections. These moves reflect how the structures of everyday democracy draw on the inherent affordances of the digital, invoking transparency as an important political narrative. The agentic choices of state actors in the legitimisation of openness and transparency do not – in and of themselves – generate accountability towards citizens; this needs to be seen in relation to the political intent of state actors, trust in the socio-political system, and the technological protocols and practices legitimised alongside the conventions and practices of democracy. For instance, in the case of *Decidim Barcelona*, where the 15-M movement called for a radical shift in democracy, the intervention was to adopt an open-source design built for 'transparency by default'.

In the face of political pressure, or demand from citizens for greater openness, accountability and transparency, technological solutionism seems to present an easy fix. A need to not be left behind seems increasingly to characterise use of social media platforms, and even though formal policies in this regard may be unclear, officials and politicians feel the need to connect with and respond to citizens (Downey and Jones 2012). Similarly, in Colombia, the imperative for *Urna de Cristal* (Berrío-Zapata and Berrío-Gil 2017b) as a technological solution

came out of an election promise for greater transparency, without particularly focusing on the root causes of high propaganda, factionalism and lack of informed political consciousness. In South Africa, the city of Durban wished to improve its public image after the ruling party, the African National Congress (ANC), experienced a substantial drop in voter support. A key initiative of the mayor was therefore to address the high citizen demand for responsive service delivery, and to implement in 2016 a WhatsApp hotline to deal with water and sanitation issues (Diga 2017b). Transparency as political posturing may do very little for accountability, but it may augur well to remember Giddens' caution: the unacknowledged potential and unintended outcomes contained within the legitimisation of technology in governance is bound to create new social conventions.

### Finding 5: Deliberation as a norm is expanded or restricted based on the technological choices made by the state

Techno-design of the ICT institutional structures can be instrumental in how the spirit of deliberation that underlies the right to participate is realised and legitimised, and whether the democratising or centralising potential of technology is invoked. This was observed in the *Marco Civil* consultation processes, where the Ministry of Justice used a blog and comments feature for soliciting submissions, which allowed a larger number of qualitative responses to come in (Valente *et al.* 2017b). In India, when a consultation on the free basics was undertaken by the Telecom Regulatory Authority of India (TRAI) in 2015, the 'comments to comments' feature on the website proved useful in anchoring discussions and allowing contributors to respond to submissions (Bharthur 2017a). In Spain, the participative processes in *Decidim Barcelona* – open discussions on proposals, face-to-face meeting, voting and redeliberation – are structured to be as deliberative and inclusive as possible (Pena-Lopez 2017b). In contrast, in the *Ons Geld* case, no platform was provided by the government to enable the process of deliberation. Also, it was observed that the activists leading the process did not make optimal use of social media platforms such as Facebook and Twitter to engineer discussion around the issue (see section 4.2).

### Finding 6: With the transition to the digital, datafied decision-making becomes a norm

A significant outcome of creating digital architectures for state–citizen engagement is that citizen voice needs to be 'datafied' to travel through these channels to attain legitimacy. The digitalisation of grievances in *Rajasthan Sampark* happens at both ends (Bharthur 2017b). Not only are citizens strongly encouraged to file their complaints through the online portal (as opposed to other methods), but offline grievances received at department, district or block level are also filed in the portal through the government back-end.<sup>44</sup> At a broader level, the push

<sup>44</sup> This is done to ensure the Administrative Reforms Commission and the Chief Minister's Office can have a comprehensive view of state performance and responsiveness.

to digitise voice implies that certain voices (those that can navigate the digital) will attain greater legitimacy than others. The rapid assessment systems, online polls and digital mechanisms of crowd-sourcing and consultation portals such as MyGov, *Urna de Cristal* and *Decidim Barcelona* are becoming the default mode through which participation is solicited, leaving out citizens without access or the know-how to be part of these avenues and platforms. The steering of citizen engagement can take on a disciplinary approach through the aegis of technology. In India, for example, the *Jan Dhan-Aadhaar-Mobile* (JAM) platform acts as a technological Trojan horse, where the institutional value of cutting back on welfare through the pretext of curbing leakages gains sanction. The platform is firmly *en route* to being the digital backbone of welfare service delivery in the country, despite the problematic exclusions that have happened on account of it (Bharthur 2017a). Alternatively, 'intimate government' may become normalised, where offline mechanisms are privileged equally and citizens are encouraged to embrace the digital public agora with public infrastructure support and investment in citizen capability.

### **Finding 7: In digital democracy, institutional commitment is key to the right to be heard**

In Spain, when a proposal is submitted on *Decidim Barcelona* and cleared for deliberation by the council, face-to-face meetings and interactions may become part of the process (Pena-Lopez 2017b). Where such consultations happen, citizen experience is situated in context, complementing online deliberations on the website. In Uruguay, the idea of 'proximity governance', that the executive branch has to be in touch with citizens (Rivoir and Landinelli 2017a), has emerged out of the principles of Open Government (see Box 3).

In the Indian case of *Rajasthan Sampark*, there is a policy in place to follow up online grievance resolution with ward visits by officials to ensure that the complaint has been resolved to the citizen's satisfaction (Bharthur 2017b).

### **Finding 8: Citizen participation frameworks valorise enterprise, expertise and cooperation**

In all countries, and particularly in the global South, varying levels of access to technology, knowledge

and resources create differentiated access to digitally mediated government. However, the design of most digital interventions for citizen engagement seems to presuppose a hyperconnected citizenry where every citizen is willing and able to participate, leading to the creation of engagement mechanisms that seek to generate value to the state, not necessarily to the citizen.

A variety of mechanisms are used to call on the techno-capabilities of hackers, invite experts to perform the role of data intermediaries, and use online consultations to seek technical inputs. The norm in citizen participation frameworks seems to be one that valorises expertise. Even within *Decidim Barcelona* and the Uruguayan Open Government cases, which allow for agenda-setting and claims-making possibilities, there is a separation between pedestrian ('like-and-click') and more sophisticated (working-the-platform) zones of participation (Pena-Lopez 2017b; Rivoir and Landinelli 2017b). The emphasis on expertise in techno-solutionist approaches to governance values some voices over others. In the copyright reform consultation in Brazil, the condition that each contribution is supported with a legal source limited the ability of the majority of citizens to provide inputs to the process (Valente *et al.* 2017b). Where these models are the norm, an elite capture of participatory forums is likely. In the Netherlands, the emphasis on voluntarism has produced, as we saw in the section discussing norms, a turn to do-ocracy, which refers to institutionalised practices of "(co)creating the public sphere, not by deliberating, voting or bargaining, but by realising concrete projects in the public domain of their neighborhood" (Blijleven 2016: 3, cited in Dumitrica 2017a). Given that do-ocracy values the pragmatic deliverable, digitally mediated citizenship exercises are routinised within non-contentious, cooperativist models that limit deliberation. The marginal citizen who seeks to table a radical agenda that challenges the *status quo* is hence unlikely to find affirmation. The online grievance system was not primed, in the Indian State of Rajasthan, to tackle the disenfranchisement of those who were struck off the welfare system. Citizens had to resort to mass mobilisation to hold the system to account (Bharthur 2017b).

### **Box 3. Open cabinet hearings in Uruguay**

In Uruguay, as part of the Open Government initiative, the President and Cabinet of Ministers travel the country once a month, visiting small cities and villages, and conduct cabinet sessions – Open Cabinet Hearings – open to civil society organisations and citizens. In these sessions, priority is given to interaction with actors not represented by party leaders or civil servants. Hearings with the ministers are booked through an online platform, and the workflow is designed to respond to the maximum number of local demands possible. There are plans under way to scale up the platform where citizen demands are registered, and a built-in feature will allow citizens to monitor the degree of compliance to the commitments made by authorities at Open Cabinet Hearings. The hybrid approach adopted by Uruguay in the techno-social design of government may be seen as clearly privileging inclusion; both in-person and digital interactions are legitimised as appropriate to maximise the citizen's right to be heard.

## 5. Emerging visions of citizen participation

Institutional structures of democratic governance shape discursive imaginaries of ICT-mediated citizen engagement. By providing the interpretive schemes, they enable institutional actors and citizens to construct shared meanings in their interactions and frame the behavioural rules that shape expectations about mutual obligations. Much as we observe in norms, the role of agents – citizens and actors within the state – contributes not just to the expansion and reinforcement of shared meanings of citizen participation; but agents also re-signify meanings, given that they are not completely bound by totalising institutional structures (Giddens 1984).

The transition to ICT-mediated citizen engagement has been accompanied by a rearticulation of the imaginary of citizen participation. Although the specifics of this vary from one context to the next, the majority of these emerging strategic visions of digitally mediated participation emphasise the need to explore the digital opportunity for both enhancing informational transparency, and strengthening citizen dialogue for responsive service delivery and efficient public administration (see section 2).

This section examines the ways in which institutional end structures shape the visions and meanings of ICT-mediated citizen engagement, through a comparative analysis of the eight sites in which the ‘Voice or Chatter?’ project study was conducted.

We explore the new configurations and emerging narratives of governance practices and how they are re-signified in and through digital mediation, and tease out the premises underpinning the strategic visions of citizen participation. This section answers the following questions:

- What are the policy discourses of citizen engagement in e-government?
- How do fluid boundaries between scales of governance – local, national and supranational – implicate meanings of citizen engagement and digital participation?
- How does the digital paradigm redefine citizenship?

### 5.1 Fluidities between the local and translocal

As Rhodes (1997) argues, in the era of globalisation, we are witness to shifts in the power of nation-states, owing to the increasing influence of supranational

power nodes and regional and sub-national entities. The ‘hollowing out of the state’ and the process of agentification (discussed in section 4) produce new meanings for the state–citizen relationship within an emerging paradigm of network governance.

Agentic actions by a wide range of actors – transnational, national and sub-national – including designers, developers of technology, national and sub-national government entities, international banks, multilateral and plurilateral country groupings, online communities such as coders and hackers, etc. – are implicated in emerging ideas of e-government and e-democracy and become significant to how citizen participation is defined.

#### Finding 9: Transnational codes and configurations influence national visions of citizen engagement

The overarching e-governance and citizen engagement framework of the EU – in the form of the Europe 2020 digital agenda and the General Data Protection Regulation 2018 – inform national-level digital citizen engagement policies in the Netherlands and Spain. (Similarly, the autonomy of local-level regions also allows site-specific endeavours to emerge, as we discuss later in this section.)

Another notable example of this interplay between the supranational and the national can be seen in the Open Government Partnership, a multilateral initiative launched in 2011 that aims to “secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance”.<sup>45</sup> In order to be part of the OGP, participating countries are required to: endorse a high-level Open Government Declaration;<sup>46</sup> deliver a country action plan developed through a process of public consultation; and submit to independent reporting on progress and implementation. Currently 75 nations are part of the OGP (including seven of the eight countries included in the ‘Voice or Chatter?’ research project).

Case studies of ICT-mediated citizen engagement explored in Colombia (*Urna de Cristal*), the Philippines (Open Data) and Uruguay (OGAP) emerged directly from the OGP, and demonstrate how global visions become situated in state contexts in different ways.

<sup>45</sup> [www.opengovpartnership.org/about/about-ogp](http://www.opengovpartnership.org/about/about-ogp)

<sup>46</sup> [www.opengovpartnership.org/open-government-declaration](http://www.opengovpartnership.org/open-government-declaration)

In Uruguay, the OGAP takes a multi-stakeholder approach (through solicited civil society input) and is readapted to complement the existing culture of representative democracy. In contrast in Colombia, *Urna de Cristal*, a transparency initiative, is force-fitted uneasily into existing narratives and modalities of governance lacking in accountability. However, some push-backs to this model are observed, as in the case of India, which had been part of the initial deliberations to set up the initiative along with Brazil and the USA, but later pulled out of the partnership citing the need to maintain its parliamentary sovereignty (Bhaumik 2011).

E-government also reflects the presence of a confounding range of actors (most of them global), as states may lack capacity, or find it efficient in the short term, to engage private players to create their digital and data capabilities. The implications for accountability in this regard are discussed in the previous section. However, in the production and reproduction of network governance, the ethos of citizen participation – as conceived, designed and represented through digital tools and spaces – carries the indelible mark of commercial interests. For countries of the global South in particular, the lack of state capacity and ambitions for e-government present a Hobson's choice. The inevitability of engaging multinational firms and expert technologists ushers in top-down visions, and thus recodes the intent and outcomes of participation (see section 4, Box 2; and section 5).

### **Finding 10: Digital affordances redefine the scale and shape of citizen participation**

Within the larger paradigm of network governance, tensions in ICT-mediated citizen engagement play out at multiple levels and scales. New local and translocal formations (including regional, as in the case of the EU) challenge national institutional frameworks. The particular nature of digitally mediated citizen engagement, and its ability to spawn networks, alliances and cross-sectoral engagements, reshapes the idea of civic action and civil society. In the Philippines, the open data push has led to the rise of open data coalitions across the country, allowing civil society to forge networks across domains (Baleos *et al.* 2017). Similarly, in Brazil, the *Marco Civil* consultative process led to the emergence of many niche civil society formations that coalesced online and are active now on digital rights and Internet policy issues (Valente *et al.* 2017a).

The diffusion of digital infrastructure also implies citizen action backed by political and parochial forces. A case in point is the rise of local vigilantism in India around the issue of 'cow slaughter', exacerbated by the spread of propaganda and communal sentiment on social media channels such as WhatsApp (Roberts 2017).

But new civic formations remaking democracy in extra-institutional ways also seek to articulate a new model of participatory democracy that puts citizens at the centre, even as they challenge existing institutional models. In Spain, the networked municipalities model has emerged as an important exemplar that challenges the national hegemony (Pena-Lopez 2017b). Not only is the process highly localised, but it also allows for translocal collaboration, as citizens from different municipalities can co-propose cross-regional projects that optimise public expenditure and create a shared mandate for good ideas. Although the reinvention of democracy in digital times presents few such initiatives privileging citizen participation, they unleash the potential for new meanings for citizen voice.

## **5.2 Emerging policy discourse of ICT-mediated citizen engagement**

When participation is seen by the state as an opportunity and efficient means to an end, both by design and by default, the policy paradigm of ICT-mediated citizen engagement moves away from the deliberative, and focuses instead on the co-production of solutions for governance challenges. The specific manifestations of this shifting policy paradigm are detailed below.

### **Finding 11: Neoliberal e-governance reduces the political ideal of participation to administrative problem-solving**

An instrumental view of citizen participation can obscure the right to participate as a civic-political ideal of democracy. Yet the main impetus for the transition to digitally mediated citizen engagement, the global ascendancy of the neoliberal e-government paradigm, does recast the relationship between government and citizen to one of service provider and user (Madon 2009), thus perpetuating an instrumental and depoliticised worldview of voice and engagement. In the e-government discourse, the end goal of citizen engagement is significantly different from the social justice orientation of the discourses of "transformative participation" (White 1996), which emphasised the effective channelling of citizen voice to ensure the inclusion of all citizens in democratic decision-making processes.

States have dealt with this paradigm shift in varying ways. In the Netherlands and Spain, the attempt has been to position e-participation strategies along the continuum of pre-existing approaches to enhance local innovation and build local government autonomy (see section 2). In the context of the global South, where states have institutionalised

efforts to build local cultures of participation (such as participatory budgeting initiatives and village-based public assemblies), integrating ICT-mediated citizen engagement into ongoing efforts is not easy due to the lack of institutional digital readiness and differences in techno-capabilities. At the same time, efficiency-driven digital governance discourses have propelled an enhanced faith in the maxims of techno-solutionism, leading to a hunt for ICT fixes for problems that often have deeper roots and may need system-level change. Open data in the Philippines, for example, even in the absence of a codified freedom of information law, tends to be seen as a way of ushering in greater possibilities for accountability and claim-making (Baleos *et al.* 2017). The Colombian state hopes to reopen meaningful dialogue between state agencies and citizens by setting up an online portal for citizen consultation, which is intended to serve as a new channel for interaction that can automatically solve the long-standing trust deficit.

### **Finding 12: Participation is envisioned as voluntarism for public value**

Visions of citizen participation in the e-government policy paradigm set great store by the effective leveraging of voluntary energies for the production of public value. In some cases, governments use the route of civil society partnerships to harness such contributions; such as the Uruguay Open Government Action Plan (OGAP)'s multi-tiered modalities for institutionalised civil society participation (Rivoir and Landinelli 2017a). In other cases, governments are focused more on effectively channelling the contributions of individual citizens. For instance, municipal governments in Spain have attempted to address urban governance challenges through ICT mediation strategies that encourage the formation of temporary / loose citizen coalitions and alliances for problem-solving (Pena-Lopez 2017a). Similarly, the Government of the Philippines has attempted to strengthen its Open Data initiative by supporting tech developer volunteers in producing innovative web and mobile apps from publicly available open data sets (Baleos *et al.* 2017).

The paradigm of voluntarism does not take into account the exclusions from governance systems that arise out of the differences in citizens' access to digital resources, time burdens and levels of digital capability. Thus it may end up amplifying elite control of decision-making processes. The rhetoric of voluntarism can also be invoked for propaganda or as gesture politics by political establishments, to consolidate power. In such narrowly defined and bounded conceptions, citizens may find spaces to engage and participate, but such 'engagement' may not add up to strengthening deliberative democracy or open up the room for transformative agenda setting. In India,

the MyGov portal – through its discuss–do–deliberate approach – calls for citizen voluntarism, inviting citizens to submit app and logo designs, and to participate in discussions on different issues. However, the platform is not recursively tied into binding processes for citizen consultation in policy-making. Dovetailing with other digital interventions for political communication, it becomes co-opted into the legitimisation tactics used by the political regime for shaping public sentiment (Bharthur 2017a). *Urna de Cristal* in Colombia becomes a smokescreen for gesture politics, perpetuating shallow or superfluous citizen engagement, invariably used to 'manufacture consent' (Berrío-Zapata and Berrío-Gil 2017b).

An emphasis on voluntarism, in and of itself, is not sufficient to deepen democracy. Also, it can distract from the basic guarantee of participation as a democratic ideal for political equality. The emphasis on civic–public participation to enhance local governance and democracy must therefore derive from political meanings of citizenship rather than instrumental ones.

### **Finding 13: Participation is premised on the default of an 'active' and 'responsible' citizen**

In the era of the digital, the doctrine of neoliberalism combines with techno-solutionist approaches to produce a recalibrated vision of lean governance, predicated upon a certain understanding of the 'responsible' or 'active' citizen (Ostrom 2000; Rose 2006). While articulations of active or responsible citizenship precede digital democracy, the technological moment is understood as having expanded the potential of direct participation, as citizens can now become collaborators and equal partners who contribute resources and expertise to buffer state agencies' efforts to address governance challenges. The idea of conflict and power is therefore erased from the very conception of democracy. For example, in the Netherlands and Spain, the ideal of active citizenship is interpreted as non-confrontational engagement with the state, by forging mutually beneficial problem-solving partnerships with other citizens and government actors. In 2003, the Government of the Netherlands put forward a 'New Social Contract', which articulates the definition of a "good citizen" as someone who "who is committed ... [and expresses him / herself] not with claims, demands and appeals against the government, but in societal self-organisation and initiatives" (Van Houdt, Suvarierol and Schinkel 2011: 416, cited in Dumitrica 2017a).

In India, with the launch of the Unique Identification Number scheme in 2010, responsible citizenship has been coded into citizen interactions, requiring citizens to demonstrate their eligibility for being

covered by the state welfare net, distinguishing themselves from other ‘undeserving’ individuals (Bharthur 2017a). In South Africa, the active citizen is the responsible citizen who engages with the state to improve the quality of public service provisioning (Diga 2017a). However, as scholars such as Rodina and Harris (2016) highlight, the vision of ‘active citizenship’ fails to take into account the experiences of disenfranchised citizens living at the margins in societies of the global South, whose very legitimacy to assert claims on the state is challenged.

Meaning shifts and norm shifts arising from technological visions and practices of ‘good citizenship for good governance’ reinforce each other. By delegitimising certain agentic practices – such as political claims-making – these shifts erode the political breadth and depth of the right to participate. This is a slippery slope for distributive justice in democracy, and as Chandhoke (2013) underlines, a lack that can severely compromise the ability of citizens at the margins to mobilise, organise and demand action from the state.

## 6. How techno-structures shape democratic practice

The structures of democracy and the structures of technology are deeply intertwined, and shape each other. The ICT infrastructures underpinning digital democracy play an instrumental part in shaping its practices (Parvez 2006). As the complexity of participation increases, owing to what Giddens refers to as the “time–space distancing of social activity” (Giddens 1984), institutional norms may fall short, creating administrative and legislative lacunae and new challenges for the guarantee of citizen rights.

When governance systems are recast through the digital, the techno-structures of interaction (comprising the techno-material and digital protocols) recode existing norms and rules of state–citizen relations. Thus, as virtual co-presence ushers in a restructuring of norms and rules, institutionalised routines of interaction (Giddens 1984) are displaced, and code becomes law (Lessig 2000).<sup>47</sup> Given the rapid pace of change, ethical–political considerations for democracy coded into erstwhile institutional frameworks of governance make way for the rules produced by techno-structures. Welfare payments may require biometric authentication; grievances may be trackable only through online querying; literacy may become ‘mandatory’ for online public deliberation. Institutional norms – policies, laws and regulatory mechanisms – will need to catch up with these conditions, failing which a crisis of governability may ensue.

Both citizens and state actors shape the evolution of digitally mediated governance, and through

their recurrent interaction with e-government and e-participation systems, they shape the emerging structures of democracy. This may be to create the new norms and laws adequate to citizen rights, or to subvert existing techno-material and digital protocols in favour of new ones. In this section, we examine how techno-structures mediate normative shifts in practices of governance and democracy, and attempt to understand how citizen voice and claims-making is reshaped in emerging contexts of e-participation. This section answers the following questions:

- In the technological design of ICT-mediated participation initiatives, what new visions and norms for legitimising citizen participation come through?
- How does techno-design bear upon participation?
- How does techno-design shift the balance of power between state and citizen?

### 6.1 Norms of legitimising citizen voice in the digital age

Techno-design and techno-practices produce and shape various norms of citizen engagement with regard to verification, authentication, channelling and curation of voice. With the move to the digital and the virtualisation of participatory processes, credible, tamper-proof systems to authenticate citizen identity and establish rightful claimants become an important preoccupation for the state.

<sup>47</sup> Code refers to the software and hardware that make cyberspace as it is, setting the terms on which engagement in the digital space may be experienced; it emerges as a regulator. Code determines “how easy it is to protect privacy, or how easy it is to censor speech. It determines whether access to information is general or whether information is zoned. It affects who sees what, or what is monitored. In a host of ways that one cannot begin to see unless one begins to understand the nature of this code, the code of cyberspace regulates” (Lessig 2000).

These are discussed below in relation to the dissonances and complementarities they present for citizen rights.

#### **Finding 14: Techno-authentication is a precondition for legitimate participation**

Identity verification processes are central to citizen participation routines. In initiatives where participation is open and the end goal is to crowd-source opinion, citizens may not require more than a registered account. At the level of contributing inputs, MyGov in India is an open crowd-sourcing portal that can be used by anyone with an account, as is *Decidim Barcelona*. The informal traders in Warwick market can participate in the e-Thekwini project without registering (Diga 2017b). But when the stakes are higher, and a given initiative or engagement mechanism bears directly upon state obligations / fulfilment of a right, the question of who ultimately can have their voice 'count' becomes more important. In these instances, identity verification processes or mechanisms to establish proof of citizenship are found in some form or another. For instance, in *Decidim Barcelona*, there is a procedure to verify users against the official registry to guarantee that voting can only be done by a citizen of the municipality, although the platform is open to all to make suggestions and contribute proposals. Similarly, identity verification procedures exist in Brazil and Colombia in the cases of copyright law reform consultation and *Urna de Cristal*, respectively. We see the established repertoires of technology use become integrated into digital democracy norms with the rise of single sign-in systems with one-time authentication, including state-developed solutions such as *Aadhaar* and Digi locker (in India) or third-party services such as DigiD (in the Netherlands) that mirror those of Google and Facebook.

When techno-authentication becomes a precondition for participation, the burden of proof of identity is transferred to citizens, marking a departure from times when identity could be derived socially from one's community to articulate first-level claims, take part in collective action, or express demand in the local context where identification was not a prerequisite. However, because there is a heightened preoccupation on part of the state to make the citizen knowable only in a techno-authenticated way, the citizen who cannot be digitally legitimised is a citizen who cannot be recognised. This is illustrated by the near-mandatory nature of the Unique Identity System in India to be able to claim even the most basic of citizen guarantees (Gurumurthy, Chami and Bharthur 2016).

#### **Finding 15: Techno-authentication presents new contradictions and challenges to citizen rights**

Verification as a form of due diligence by the state cannot be decoupled from ICT-mediated

citizen engagement. However, ensuring that this imperative does not create an unreasonable barrier to participation and / or impinge on existing citizen rights remains a challenge to reckon with. Firstly, the right to anonymity in participation (where necessary) is compromised when visibility – through the process of identification / authentication – becomes a prerequisite. Secondly, the highly individuated nature of such participation, where engagement is one-on-one between citizen and state, can run the risk of undermining the fundamental right to assembly and, by extension, the right to dissent. This happens either by lack of thought on the part of the state when creating a particular institutional norm, or, in many cases, by deliberate intent. This is evidenced by the increasing number of Internet shutdowns, extra-legal action and censoring of citizens expressing dissent online (Kamen 2017), weakening the premise that the online sphere is an open agora where free thought and expression can be exercised without fear.

The absence of privacy and / or data protection laws or policies further exacerbates this problem, even in cases when the intent of government can be understood as non-suppressive. For instance, in the Brazil copyright reform consultations (Valente *et al.* 2017b), while the tracking of IP addresses allowed the identification of multiple submissions from the same source, the violation of citizens' privacy it constituted was not viewed lightly by commentators, as in the case of the DigiD hack in the Netherlands (Dumitrica 2017a). A notable exception is in the institutional design of participation in *Decidim Barcelona*, where efforts to guarantee confidentiality and privacy have been made even as the platform itself promotes and encourages public sharing of thoughts (Pena-Lopez 2017b). It is a paradox that often citizens who lack social capital and are among the most marginalised – for whom laws on privacy are vital and a prerequisite for expressing voice – become most visible to the state through techno-structures of authentication. In India, even while the courts have ruled that there is no right to privacy, the apparatus of the Unique ID project and its linking with all critical welfare schemes, and now with taxation and utility functions, continues unchecked (Gurumurthy, Bharthur and Chami 2017).

In weeding out chatter from voice through enforcement of rules for identity verification, a transparency paradox arises wherein the citizen is becoming completely visible to the state, while the state becomes mystified through technological obfuscation. The wider Internet paradigm is shaping up through Big Data practices in an architecture that is opaque and even exploitative (Srnicke 2016). In this context, new institutional rules that can guarantee the benefits and opportunities of digital democracy

to everyone on an equal footing become important. A right to Internet access, right to privacy and other digital rights thus become necessary prerequisites for the realisation of the 'netizen ideal'.

## 6.2 Disembedded citizenship and machine as state

The time-space compression element of the digital has been one of its most compelling virtues. ICT-mediated citizen engagement that leverages this quality allows for a disembedding of time-space, thus spawning specific forms of governance and citizenship. A disembedded experience of citizenship is wedded to a dislocated government that is remote and out of reach. This has both positive and negative outcomes for democracy, which we discuss below.

### **Finding 16: As older repertoires of citizen action are invalidated, marginal citizens experience a crisis of knowledgeability**

As illustrated in sections 4 and 5, the legitimacy of previous cultures and values of participation are in flux because of the shift from localised and shared meanings of negotiating (and in some cases contesting) citizenship. The imperative therefore is to fit into techno-authenticated categories that are removed and distant from the known (even if restraining) context of the average citizen. The practical 'consciousness' on which the marginalised citizen relies – traditional modes of collective action from the grassroots, offline mechanisms, human intermediation through actors in state, "the ability to carry on" referred to by Giddens (1984) – is rendered obsolete when the machine becomes the placeholder for the state through techno-design. Consultative and deliberative engagement is displaced, while a new terrain needs to be navigated in the digital-by-default push. This adds to the multiple barriers to access, and places a burden on the citizen to relearn everyday practices of 'voicing'. The right to question and seek answers, and to demand grievance redressal, becomes all the more difficult when the right to participate is evacuated, even in systems that aim to improve accountability. Corrupt, patron-based systems in India take advantage of the shift to online by alleging machine-based failure in authentication and entitlements processing, ascribing it to the 'out-of-reach nature' of the machine itself (Gurumurthy *et al.* 2017).

### **Finding 17: Techno-design can signify values of democracy, but to codify democracy takes strong institutional measures**

Digital initiatives can, in and of themselves, be propped up as a stand-in for democratic rights and guarantees. For instance, the Open Data initiative in the Philippines, which has become automatically conflated with transparency, does not find legal backing in a comprehensive Freedom of Information Act (Baleos *et al.* 2017). This means open data adoption among the judiciary, legislature and other agencies has been limited, given that OGP in itself cannot mandate their compliance with proactive disclosure. The lack of internal capacity to handle this transition is another challenge that is present across the board. On the other hand, in Spain, *Decidim Barcelona* and *Decide Madrid* use the D-CENT toolbox<sup>48</sup> to bring to life an idea of liquid democracy. Not only is the platform designed to be deliberative, but norms of engagement also include provisions to consult citizens on meta-participation aspects, through which inputs are sought on the design of the ICT-mediated processes and platforms themselves (Pena-Lopez 2017b).

### **Finding 18: In a datafied state, outcomes for voice are contingent on governance of code**

In data-driven governance systems, the citizen becomes a data subject, hyper-aggregated and hyper-individualised. In a datafied world, the state is in a position to know everything about each citizen and how they relate to other data points, and can summon data at will for its aggrandisement. The disassembling of the citizen subject into data points, and the primacy of data-based value in governance (Lyon 2002), can lead to a devaluation of the situated, communitarian context of citizenship. This is mirrored in the Indian government's endeavour to analyse citizen participation on the MyGov platform and other social media accounts through Big Data, to identify policy priorities in the country (Dhoot 2014). Given the fact that only 27% of the population of the country is online,<sup>49</sup> the exercise is compromised and cannot account for the millions of voices outside the platform's user base. While data-driven governance does not exist outside political intent or purpose (Mansell 2017), increasing algorithmic automation and the rise of machine learning tells us that code can, in effect, escape human intent. This auto-propelling agency of technology and datafication also presents a future governance challenge for states.

<sup>48</sup> <https://dcentproject.eu>

<sup>49</sup> [http://www.trai.gov.in/sites/default/files/Telecom%20Sub\\_Eng\\_pr.03\\_09-01-2017\\_0.pdf](http://www.trai.gov.in/sites/default/files/Telecom%20Sub_Eng_pr.03_09-01-2017_0.pdf)

## 7. Citizen agency and ICT-mediated participation

In our discussion of institutional end visions and norms of ICT-mediated citizen engagement, we have established how meanings and codes of practice are co-constituted in the interplay between structure and agency. We have also analysed how techno-structures are shaping outcomes for citizen rights and democracy. Power is constantly implicated in this process. Agents are always drawing on the authoritative and allocative resources (Giddens 1984) at their disposal, to make choices that reproduce the social system, or subvert, challenge or overhaul it.

In this section, we unpack the citizen-end dimensions of ICT-mediated citizen engagement to address the following questions:

- How are citizen practices recast through ICT channels, and how are these redefining democracy?
- How do patterns of access and levels of techno-capabilities impact on citizen voice?
- What does the shift to digital participation imply for civil society as a whole?
- In what ways has ICT participation become intrinsic to becoming a citizen?

### 7.1 What is happening to participation?

The digital moment of promise coincides with a fatigue with the failures of democratic institutions experienced by citizens the world over. In the transition to e-government, while the promise is expanded, this deficit can become deepened, especially when the rhetoric contradicts the reality on the ground. In such situations there may be both positive and negative consequences for citizen participation, implicating experiments and experiences in direct and representative democracy.

#### **Finding 19: The quality of participation is directly contingent on levels of trust between state and citizen**

Citizens today find the state unknowable and opaque, with new rules that have made the technocracy at play a black box. Varying degrees of trust deficit were observed in the cases studied under the ‘Voice or Chatter?’ project due to different factors: the failure of multiculturalism in Netherlands; the political and economic crisis in Brazil; the acts of deception and misinformation in Spain; and the long history of instability in Colombia. In such situations, citizen

movements for transparency and accountability may seek to cross over into formal electoral politics, as in the case of Spain (Pena-Lopez 2017b). In certain conjunctures, a sense of apathy in civil society and a depoliticised engagement sets in, which can mean that, even when there is opportunity and capability, initiatives may not take off, as observed in the Netherlands (Dumitrica 2017b). A writing-off of the digital opportunity is witnessed in Colombia, where extreme mistrust exists at both state and citizen ends owing to decades of political instability, rampant propaganda and the use of databases for targeting citizens (Berrío-Zapata and Berrío-Gil 2017a). In this context, transformation of citizens into knowledgeable political subjects who can discern propaganda, or who have reached a stage where they can self-identify as rights-bearing agents, seems to emerge as a need.

In India and South Africa, where a contradiction exists between the political subjectivity of marginalised citizens at the grassroots and the top-down visions of citizenship emanating from techno-governance frameworks, the trust deficit is navigated through the search for new knowledgeability and remediation, with civil society stepping in to fill in a governance gap. In contexts where ICT interventions in citizen voice become ‘NGO-ised’ – as has been the case in South Africa – and there is a governance through the use of ICT deficit, we witness NGOs shouldering the burden of negotiating change.

#### **Finding 20: ICT-mediated citizenship is a work in progress to balance direct and representative democracy**

The promise of direct democracy is, in theory, realised more easily through the digital, as there is a sharp fall costs, allowing both states and citizens to engage in the process. However, in order for the digital to be a meaningful conduit for direct democracy, many factors need to come together. These include sound infrastructure, commitment to participatory governance, motivated actors within government who can be idea leaders, and more. On the citizen end, the assumption that drives deep participation is that it is worth the effort and will be transformative. However, the base structure of the digital economy, and the way citizens’ lives are shaped by it, often have meant that low-cost, ‘clicktivist’ actions are all that are possible because of resource scarcity, whether it is lack of literacy, time, capital or a legitimate stake in governance.

Setting the scope of new possibilities in direct democracy becomes a negotiated process. In Brazil,

while the process of deliberation in the *Marco Civil* consultation itself was designed to be open and inclusive, and was considered ground-breaking, it was ultimately subordinated to the structure of representative democracy (Valente *et al.* 2017b). But the positive experience with *Marco Civil* prompted the officials in charge of conducting the public consultation on copyright reform within the Ministry of Culture to explicitly request a similar platform. The fears and insecurities regarding the effectiveness and legitimacy of the online public consultation process had been overcome through the success of *Marco Civil*. In Uruguay, the technical idea of open government vision is readapted to make room for a fledgling experiment in participatory governance through a cautious approach. Since the first NAP in 2012, open government has evolved from a focus on e-government that was non-participatory, towards a multi-stakeholder, transversal approach to public policies. This has led to the institutionalising of a multi-stakeholder discussion mechanism – the Open Government Working Group – through a Presidential Decree (Rivoir and Landinelli 2017b). In Spain, the lack of valid intermediaries between governments and citizen groups, and a desire for new and more flexible civic formations, allows for opening up of the direct democracy process in the case of networked municipalities. While the City Council – the elected representative body – has the final say, citizens experience an expanded process of direct deliberation, submitting proposals, seeking / contributing to discussions and participating in online voting (which is non-binding) to get support (Pena-Lopez 2017b). In the Netherlands, a more *laissez-faire* approach is seen, where the decentralised nature of the public administration gives municipalities autonomy to initiate digital projects and attempt innovation in governance, but they have to raise financial resources to actively involve citizens (Dumitrica 2017a).

### **Finding 21: The social practices of technology can tip into political action**

In times of a crisis in electoral democracy, as witnessed in the events leading up to the 15-M movement in Spain, the socio-technological practices that created networked municipalities can enable a new form of democracy to emerge. In stable political conditions, the effects of virality and time-space compression can lead to a stronger leveraging of serendipitous connections towards furthering political outcomes, as was the case with the petitioners of *Ons Geld* and the theatre activists *De Veleiders*, who were able to collaborate through social media and galvanise interest in the issue of monetary policy.

Making an informed choice to participate in citizen engagement exercises does not depend only on access to technology. Citizens may often be imbibing

information and formulating viewpoints from highly polarised echo chambers, captured as they may be by shrill political propaganda, as in Colombia (Berrío-Zapata and Berrío-Gil 2017b). Campaigns promoted by powerful individuals / organisations or actors with control over key economic and media resources gain traction. Facebook's campaign to garner support for Internet.org in India is a telling example of this (Shashidhar 2015). The *Ons Geld* case in the Netherlands (Dumitrica 2017b) also reflects that key debates in the public sphere may not be accessible to average citizens who are expected to assume responsibility for their own education; in this case, on a highly technical matter of monetary policy. The pressure to take campaigns to fruition in the attention economy of the digital also pushes civic engagement routines towards situations that demand the bare minimum from citizens. The active citizen online is typically someone who has the choice to shield herself from the dissonances of a diverse public sphere, engaging in an echo chamber of her own creation. Reflexivity and tolerance of divergent viewpoints thus become easy collateral. This undermines healthy deliberation or, at best, propagates apolitical forms of participation. The popularity of a government-led Facebook campaign to promote tourism in the Philippines (Garcia and Pacis 2017) is a case in point, as are the many sports-related polls and discussion boards run on *Urna de Cristal* (Berrío-Zapata and Berrío-Gil 2017b).

## **7.2 How citizens are redefining democracy**

Just as participation becomes transformed through the re-signifying and recoding of digital democracy, citizen practices of technology also remake digital democracy. Underlying institutional histories and movements in democracy (as discussed in this section) incentivise or disincentivise participation in many ways, and the mere offering of ICT-mediated engagement may or may not fructify into the real choice to participate. Also, the reasons for how digital fluency translates into scalable political activism in the technological moment may not differ significantly from how political engagement plays out in offline modes. There are, as always, individuals who will choose to engage despite all odds; and those who choose not to, in spite of every opportunity. But we do see a shifting canvas of such engagement, where it exists, and the attempt here is to map that.

### **Finding 22: Through democratic practices of technology, citizens 'hack' politics**

The rise of techno-politics (Pena-Lopez 2017b) and a do-it-yourself brand of political engagement is increasingly gaining traction among younger citizens across the board. Inspired by the hacker community, this is a demographic of citizens who believe that the

possibility to ‘hack’ politics is a far more attractive option than being involved in traditional politics. In Uruguay, we see how “the most committed and leading civil society organisations in the process are relatively new; their members are young and use ICTs extensively. They are open to dialogue, their decision making approach is pragmatic and they pursue policy changes with immediate and tangible results” (Rivoir and Landinelli 2017b). There is a tendency to believe that one can fix problems through finding solutions in technology by: engaging with open data, as in the Philippines; building an open-source city, as in Mexico and Spain; or demanding responsive governance through ‘naming and shaming’ on social media, as in South Africa (Garcia and Pacis 2017; Baleos *et al.* 2017; Diga 2017a). At the margins in the global South, there is reassertion of collective voice and reclamation of democracy through a hacking of politics that is different from the processes in Spain. In the case of *Rajasthan Sampark*, citizens subverted the individualising grievance redressal system by flooding the system with complaints. Over 40,000 complaints were collected by civil society volunteers travelling the length and breadth of the state for over three months. Using the repository of complaints as evidence, the group was able to argue the claims of people – such as pensioners who were struck from records, or claimants denied rations – in face-to-face meetings with bureaucrats.

### **Finding 23: Citizens hone new political consciousness through new knowledgeability**

We can see how, in the moment of rupture and transition, citizens embrace new tools and create new repertoires of action to overcome the crisis of knowledgeability. There is the possibility for citizens to communicate instantly with frontline services over portals and social media and make themselves heard and have their demands met, thanks to Twitter ‘Town Halls’ and other online forums..

The new repertoires of action are drawing from new data cultures. When the tools for civic intelligence are democratised, citizens are able to use data to challenge or shape official narratives. When typhoon Haiyan struck the Philippines in 2013, the Philippines Open Data Task Force was able to set up a microsite within a week to provide open data on relief donations given by countries and international organisations, allowing citizens to monitor the relief efforts (Baleos *et al.* 2017). Crowd-sourcing allowed for geolocating fire hazards in Warwick market in South Africa, enabling small-scale traders to hold a dialogue with the municipality about occupational safety (Diga 2017b). In *Decidim Barcelona*, real-time tracking of metadata in participation exercises offers the ability to see patterns and potentially correct course, thus creating

real-time transparency and accountability (Pena-Lopez 2017b). In Brazil, the process of *Marco Civil* and its archiving in the public domain has nurtured civic alliances that came together during the process, furthering their engagement in issues of Internet policy (Valente *et al.* 2017b). In Uruguay, civil society organisations are developing apps that will enable citizen engagement and use of public information (Rivoir and Landinelli 2017b). At a broader level, with initiatives such as D-CENT in Europe, the creation of technology resources for democracy is galvanising a new generation of actors who see such engagement as an important goal.

However, democratic traditions and guarantees do need to exist for people to appropriate the digital opportunity fully. For instance, if a historical engagement with public information is absent, then open data can become a lost, or partially realised, opportunity. In India, civil society was able to seize the opportunity for social audit presented by the Open Data portal of the national employment guarantee programme, because of a strong culture among citizens on the margins of asserting their right to information.

In addition, higher-level techno-capabilities are required to make the best of a given online platform to seek information, monitor and demand accountability for the process and results. Advanced techno-capabilities are required to engage at the meta-level of participation, that is, to take part in designing the platform itself. In such a scenario, citizens and civil society organisations with technical expertise and capabilities to reshape code become the necessary intermediaries to realise the right to be heard in times when voice is datafied. This is noticed in India, the Philippines and South Africa, where NGOs and civil society play the role of data intermediaries in connecting state and citizen (Bharthur 2017b; Diga 2017b; Baleos *et al.* 2017).

### **Finding 24: Differential access means differential participation**

The patterns of access and disparate levels of techno-capabilities have a huge impact on citizen voice. Infrastructure gaps, varying levels of literacy and the opportunity costs of participation inform the ways and the extent to which citizens engage in digital democracy. Across the various sites, multiple access divides are faced by black women and indigenous communities (in Brazil), sexual minorities (in Spain), Dalit communities and ageing populations (in India), informal traders (in South Africa), and communities located in remote areas (in Uruguay). These inequalities in social and economic capital not only deny opportunities of the techno-political moment to these groups, but also further their disenfranchisement (see Box 4).

### Box 4: Unseen barriers to citizen voice: The case of street traders in Warwick market

In the study of informal traders in Warwick market, Durban, it was noticed that when citizens started an initiative to engage with the eThekweni municipality on an occupational health issue regarding open street drains, fire hazards and sanitation issues, the encounters were marked by “doubt and hesitation” due to uncertainties faced by traders regarding which departmental jurisdiction a certain public service may fall under. Diga (2017b) observes:

“traders who are illiterate or have rarely used SMS for communicating with others struggle to use the Frontline SMS and Ushahidi platform created under the project. Some traders only write in the isiZulu language and this is a barrier to texting. Others use the platform to write long (and what would seem like) incoherent stories, and interpreters are left uncertain of the intent of such messages.”

The headway made in this case towards responsive interventions for occupational health and safety was due to a design that tackled these barriers through public WiFi, public access and facilitated access, along with building crucial digital literacies.

## 8. Conclusions and recommendations

It would be safe to say that structuration theory, the guiding frame of this research, was a child of pre-digital times. But its central thesis about the interplay between Structure and human agency is a lucid and powerful device to interpret our contemporary world, with its intrinsic digital constituents.

When this research was conceived, we noted that the literature in the field of ICTs and democracy focused heavily on civic actions and episodic events that examined the role of the digital in citizen agency. We designed the research starting from the contention that a more balanced view, that “Structure is not independent of agency, nor is agency independent of Structure” (Jones and Karsten 2008: 129), is necessary to understand the field and its indisputable significance to actions and policies for a more inclusive world.

Eight countries across four continents were included in the study. Through state-of-the-art reports on countries that provided a big picture view, and case studies of citizen engagement initiatives that use digital technologies, we examined what was happening to citizen voice and the relationship between accountable governance and citizenship. We wanted to understand emergent structures of citizen voice and participation for their significance as the ‘medium’ and ‘outcome’ of citizen action (Giddens 1984). We also sought to trace the agentic practices that can lead to digital futures where citizenship is transformative.

Digital technologies are not merely artefacts that we deploy as users, but are a constitutive ingredient of social-institutional life. In other words, we are not just consumers of digital paraphernalia; the digital has

redefined / is redefining the very fabric of our social systems. It provides the material basis for new frontiers in governance and democracy, and scaffolds the sphere of communication and social interaction.

The analysis in the preceding sections points to the ambitions and visions arising in this flux, in the endeavour to redefine democracy and rearticulate the remit of governance. Global institutions, national governments and civil society organisations have applied themselves to the question: ‘Can the goal of citizen participation add new meaning to the quality of governance and democracy in digitally mediated space–time?’. Understandably, there are no universal templates in this regard. It is also true that we still do not have enough empirical instances to unpack the medium- to long-term impacts of the direct and deliberative democracy made possible through digital technologies.<sup>50</sup> We know that ICT-mediated participation processes produce “different effects from those created in in-person participation or other traditional forms of participation” (Valente *et al.* 2017a). We also know that outcomes are always contingent, arising through “unforeseen alliances between actors, ideas, and infrastructures” (Dumitrica 2017b).

Actions and events in a democracy may well be immediately unintelligible or unpredictable. All the same, and to rephrase Giddens,<sup>51</sup> democratisation of citizen engagement cannot happen unless social actors intervene. Also, from popular to erudite wisdom, an urgency for the redefinition of democracy is being expressed. This may be marked by different social trends in national contexts, including an ever-increasing wave of identity politics and legitimisation of authoritarian

<sup>50</sup> Also acknowledged by the UN e-government survey 2016 (UNDESA 2016).

<sup>51</sup> “Whatever happened would not have happened if that individual had not intervened” (Giddens 1984: 7).

leadership; a deep-seated resentment and alienation, especially among young people, with current economic and political models; and citizen distrust in party politics and electoral verdicts that baffle political pundits. But they all point to the need for an urgent transformation.

The case studies informing this research point to several important and timely aspects of bringing citizens to the centre of democracy. We discuss three inter-related dimensions that public policies need to address to make citizen engagement transformative:

- calibrating digitally mediated citizen participation as a measure of political empowerment and equality
- designing techno-public spaces as bastions of inclusive democracy
- ensuring that the rule of law upholds democratic principles in digitally mediated governance.

## 8.1 Calibrating for equality

The discourse of e-participation suggests a range of actions constituting the enactment of citizen participation. It includes information outreach, dialogue, consultation, collaboration and decision-making; a bouquet of exciting possibilities that virtual co-presence enables. The projects and initiatives studied point to: citizen engagements that are individual and collective; voicing of opinions in deliberative and non-deliberative forms; and co-creation of public value that is tangible and intangible. Accomplishing virtual co-presence is not about strategic management of the prowess of technology for political credibility. The importance of participation in relation to the democratic state is based on the idea of political equality (SIDA 2002a, b). People need to feel that their participation is regarded as valuable and leads to real influence on the decisions taken. The more influence and access to power over decision-making people have, the more prone they are to become involved and to participate. This finding remains consistent with extensive scholarship from pre-digital times that stresses the need for citizen participation to be meaningful (SIDA 2002b, c). The core value to citizens of participation remains unchanged in this sense.

However, it is important to contextualise participation with regard to the empirical facts of the contemporary public sphere. The expansion of communication networks, and the rise and rise of social media, have democratised political expression and civic association, but at the same time have narrowed exposure to oppositional viewpoints thanks to the echo chambers of digitally mediated associational life (Berrío-Zapata and Berrío-Gil 2017b). Paradoxically, the benefits of deliberative democracy are not enjoyed by a global society proliferating in information, opinion and association. The space for democratic dialogue enhances self-awareness and awareness of others' positions, promoting inter-subjectivity and tolerance (Mutz 2008), but instant participation in a clicktivist culture mirrors a

political activism that undermines deliberation (Berrío-Zapata and Berrío-Gil 2017b; Garcia and Pacis 2017). This is why *Decidim Barcelona's* cutting-edge experiment for deepening democracy must be seen as an exemplar for the future of transformative citizen participation. Using a hybrid process chain that creatively combines digital and offline spaces for a bottom-up process of municipal planning, it builds synergies between different views on the future of the city. Specific project proposals are mobilised from individuals and civic organisations and curated through open debate, culminating in citizen voting on these concrete ideas. This direct decision-making is not completely unmediated, and the results of this process may be vetoed by the City Council on grounds of budgetary constraints or strategic mismatch. The initiative suggests the directions of a new social contract with strong norm development that favours political equality, citizen empowerment and public ethics in governance. The fact that individuals can have their proposals included in action plans means that traditional power structures that act as gatekeepers of democracy can be challenged.

However, a nuance is in order. In developing country settings, participation, especially for the majority of citizens, entails encounters with the state to assert claims. For the poor and marginalised, these transactions are routinised in situations pregnant with the possibility of conflict with state actors. Not being heard is the norm; a listening state is the exception. Even with higher rates of Internet penetration, citizens may lack the trust to approach government, or lack the sophistication needed to make use of online avenues. In these contexts, as the South Africa and India cases demonstrate, NGOs or community-based organisations have appropriated emerging spaces or created new ones that promote ideas of e-participation that support not only individuals, but also collectivities in the margins. While the goal of democracy is the participation of all individuals – an ideal that digital technologies potentially can actualise – the technicalisation of citizen participation can take away from the idea of collective claims, reducing participation to individual transactions with the state (Bharthur 2017a; Diga 2017a). This is bound to displace social justice and political equality from the very design of democracy in digital times. As argued in the Brazilian study of e-participation initiatives, transformative shifts in citizenship call for “cultural pluralization, racial and distributive democracy” (Valente *et al.* 2017a).

Incorporating the idea of political equality and nurturing a shared political discourse of citizen engagement requires a firm departure from technicalised notions of e-government. Despite their ability to decentralise participation, technological systems also displace human interactions from given social-political milieus to a virtual space not yet clearly coded with rights (true even for countries of the global North), and /

or recoded in ways unfamiliar to citizens (particularly true for developing countries, where legacy systems survive on the basis of patron–client relationships). This research shows that digitally mediated citizen engagement practices do not necessarily derive from the idea of equal citizenship (the case of *Decidim Barcelona* is an outlier, and in this instance the platform doubles up as the public agora, becoming a rite of passage for democratic governance). Idiosyncrasies of political regimes shape the operational scope of projects, often encoding inclusion and equality as voice without agency. While the *Marco Civil* e-consultations in Brazil were rich in deliberation, process outcomes were shaped finally by political actors and lobbies with influence (Valente *et al.* 2017b). In the case of *Rajasthan Sampark* in India, online engagement was a one-way street, a veritable black box that grassroots social movements demanded should be redesigned for answerability (Bharthur 2017b). The historical–political climate in countries like Colombia reproduces polemics that characterise old political rivalries within online interactions, creating grave risks for those who may speak their mind. Online participation can also become a hugely attractive proposition for manufacturing consent through public management, feeding discourses of responsible citizenship, nationalistic pride and innovation. Participation is therefore divested of its essential political content in the misappropriation of e-participation by political elites.

The perverse confluence of power – the nexus between local, patronage-based elites and business elites in what are often termed ‘emerging e-governance markets’, and the rise of populist leaders riding on disenchantment with political parties – has ushered in local flavours of “authoritarian neo-liberalism” (Gurumurthy, Chami and Thomas 2016) the world over. In this new crisis of democracy, failed governance meets a new historical opportunity in the digital revolution. Digital technologies usher in the capacity for a ‘divine view’, the digital intelligence to track everything in real time. As has been observed in the case studies, from local to national levels of government, digital switches in the hands of the political elite and colluding business interests can aid the blatant exploitation of citizens and an unchecked abuse of power. This function creep is completely antithetical to the ideal of political equality. While it deepens the citizenship divide characterising post-colonial societies in the global South, it can easily undermine the very institution of democracy.

Alongside the ‘informational state’<sup>52</sup> that aggrandises power (Braman 2007) is the citizen agent who expresses her sense of hope and outrage through practices of technology. Numerous instances of citizen appropriation of the digital sphere to organise against anti-democratic

trends are today part of our social memory. However, the future of democracy depends on the calibration of digital approaches in governance to empower the last citizen. Borrowing from Kabeer (2001), to be empowering, technology practice in citizenship must lead to “expansion in people’s ability to make strategic life choices in a context where this ability was previously denied to them”. The conditions of e-participation endeavours must catalyse change for citizens, removing marginality, exploitation, alienation and disempowerment, and nurture human agency and choice. Choices can be made only from the vantage point of “real alternatives” and without “punishingly high costs” (SIDA 2002c: 1).

In developing country contexts, upheavals in citizenship routines consequent to the introduction of digital modalities signify deep change in the institutional order. For citizens, the rapidity and sense of urgency contained in top-down regularisation exercises in e-government can be disorienting. As discussed above, the new constellation of actors, rationalities and assemblages in techno-governance effects a moment of normative flux and a crisis of knowledgeability. The task of reinterpreting the schemas in enacting citizenship places a huge demand on the “psychological mechanisms” of citizens, disrupting “the sense of trust ... sustained in the daily activities of social life” (Giddens 1984: xiii). It would also be erroneous to presume that technologies can simply substitute for the inadequacies of legacy systems. On the contrary, the time investment and capabilities called for by online processes may place new burdens on citizens at the margins. What is necessary, therefore, is attention to the socio-cultural and normative–political aspects of digitalisation.

## Recommendations

### 1. Digital participation needs socio-institutional listening

Digital modes for participation need to be envisaged, not as conduits for assembling voice, but as social–institutional ‘listening’ frames geared to deliver social justice and equality. Curating the “wisdom of crowds” (Surowiecki 2004, cited in Pena-Lopez 2017b) to improve diagnosis is an extremely important milestone in public policy decision-making. The conventions and rules for negotiating e-participation must therefore privilege the ethos of listening rather than specific *modus operandi* invented through technology. They must actively reflect the democratic principles underpinning accountable governance: responsiveness, effectiveness and efficiency; decentralisation of authority and resources; inclusiveness; transparency; fair reconciliation of diverse and conflicting interests; etc. Strategies need to be driven by experimentalism that is context-appropriate and, where necessary,

<sup>52</sup> Denoted by increasing control of the state over information creation, processing, flows and use to consolidate power.

to promote facilitation by local public interest organisations and other intermediaries (journalists, civic movements) who can support marginalised citizens in their adoption of the digital.

## **2. E-participation visions need backing by clear norms and systems**

Vision statements of citizen empowerment in e-government policy documents need to translate into clear norms and systems for making voices heard, state answerability, and devolution of power across levels of government and to the citizen. Technology can make possible a maximalist approach to 'listening', but it does not automatically provide the discrimination needed for protecting and promoting equality and social justice. Institutionalising e-participation as a measure of political equality requires system overhaul underwritten by adequate resources, from publicising the mechanics and value of digitally mediated participation for citizen rights and democracy, to designing and provisioning the public goods necessary for digital engagement (technological tools, procedures and protocols for deliberation, organisational architectures for coordination of process and implementation of outcomes), and building capabilities for society as a whole and the constituent organs of government. The capacity of civil society to self-organise and pursue avenues for free expression and association, and for communicating with the state, holds momentous significance. As has been argued in the case of Colombia, the state (particularly the 'informational state') can tend to centralise and monopolise information, undermining democratic rights with impunity (Berrío-Zapata and Berrío Gil 2017b). Resistance to change is inherent in the reproduction of governance systems, and not even the most mature democracies are exempt from bureaucratic apathy. For a cultural shift to occur, it is not enough to focus on the technical capacity of governance systems; the social-behavioural dimensions are critical. In the Philippines case study on open government data, we noted that involved citizens generally have positive attitudes about the initiative and experience enhancement in knowledge, civic skills and public engagement, whereas those who do not participate do not perceive such gains (Baleos *et al.* 2017). Government agencies, on their part, reveal a hesitation in embracing openness, ingrained as they are in closed organisational cultures. Digital literacy must address the cognitive and social-behavioural dimensions of e-participation, nurturing the capability for critical information and data awareness and cultivating a public value for transparency and dialogue. It must enable citizens' capacity for full and free participation in civic / public life and train public administrators and officials in effectively steering democracy in digital times.

## **8.2 Coding for democracy**

The institutional cultures and techno-practices of democracy are increasingly looped in as a single, integrated social system. The co-option of global

communication networks, digitalised protocols and data-based intelligence into the performance of governance and politics produces new meanings, norms and social practices of democracy. Some see a palpable promise of a translocal democracy in the possibilities testified to by *Decidim Barcelona* and the Spanish Municipalism movement (Pena-Lopez 2017b). We may well be able to envisage a post-national network of locally acting governments, powered by people's participation, at least within regional geopolitical jurisdictions. However, it would be erroneous to conclude that some tacit and autonomous force of technology and its prowess to 'organise without organisations' is enough to create the conditions for inclusive future democracies. Literature also suggests that digital channels are appropriated by those who are already interested in politics and are part of advocacy processes (Rivoir and Landinelli 2017b).

Digital choices for democracy can empower or disempower citizens; they can present the citizen with real alternatives for equality, thereby deepening democracy; or prove to be costly not only for the individual citizen, but for the body politic as a whole. In the Spanish case of *Decidim Barcelona*, techno-design choices have resulted in a virtuous cycle of deliberative democracy, with enhanced pluralism, stronger social capital and deliberation as a new democratic standard. The emerging space of liquid collectives and fluidities in network affiliation and community formation presents a new ecosystem of actors able to check hierarchical and traditional actor / power structures (Pena-Lopez 2017b). Political intent is coded into the software platform, and participation is structured through a techno-public space that is open-source and collaborative from the start. An unintended outcome of the participatory cultures born out of the design choices has been greater legitimacy around decision-making. In Uruguay, while citizen agency in the NAP process is leading to "small transformations" (Rivoir and Landinelli 2017b) in how institutions are structured, citizens' own actions are also being redefined by ICT-mediated access to information. In the Brazilian case of *Marco Civil*, a subversion of people's wisdom was evident in the latter stages of the discussion, as strong lobbies usurped the decision-making process in the Congress. But a carefully designed deliberative platform was able to generate a force field for an agile and engaged civil society, birthing new networks and advocacy groups (Valente *et al.* 2017b).

The case studies point to the central place of techno-design choices in public policy intervention for building digitally mediated spaces adequate to the multiple goals of citizen participation and the demands of deliberative pluralism.

## **Recommendations**

### **1. Techno-design must deepen democracy**

The foremost task in creating empowering means and ends for citizen engagement is to understand how democratic space is reconfigured through

e-participation design. Quoting Giddens (1984: 396), “space is not an empty dimension along which social groupings become structured, but has to be considered in terms of its involvement in the constitution of the systems of interactions”. Digitally mediated space, in the case studies we examined, can be seen to extend through the relationship architectures it constitutes. Consider the bottom-up municipal civic–public space of *Decidim Barcelona*, or the open government model of Uruguay, or the safe marketplace forged through Frontline SMS–Ushahidi in Warwick market. These are techno-public spaces on different scales, representing different systems. They are simultaneously a concrete techno-social construct and an abstract reified system.

The spatial architecture of digitally mediated citizen engagement determines outcomes for democracy. Data taxonomy choices code into the databases’

sociological imagination about citizenship, recursively reproducing subjects of governance as quantified categories that shape social inclusion and exclusion. Data sets in an open data portal can hide or reveal what may be productive for transparency and democracy. Prerequisites for online participation can undermine or open up diversity of views in the digital agora. SMSs delivered in dominant languages can marginalise indigenous populations from participatory initiatives.

The design of techno-public space has deeply political consequences and must therefore be made with due consideration of democratic and social inclusion imperatives. Depending on its techno-materiality and digital and organisational protocols (which are constituted by political intent / choices and institutional histories, norms and practices), techno-public spaces embody social interactions of varying characteristics (see Box 5).

### Box 5: Making design inclusive

Designing techno-public spaces for participation involves three considerations:

- **Techno-materiality** – pertaining to hardware, connectivity and software code; also the ever-expanding digital ecology comprising data centres, Internet of Things, remote servers / cloud, data analytics tools, biometric devices, cameras, etc.
- **Digital protocols** – policies and practices on creation, storage, ownership, sharing, use and reuse of what may be termed public code and public data; and design principles for websites / platforms / portals, including for online voting, deliberation, transactions with government agencies, etc.
- **Organisational protocols** – policies and practices for information sharing; availability and distribution of deliberative spaces; criteria / formal requirements in relation to different stages of consultation or policy objectives sought to be achieved; process organisation; feedback about results (aggregated information about who participated, what was deliberated, what patterns emerged) and about outcomes (degree of influence of participatory processes on final decisions).

These choices imply trade-offs for how democracy and inclusion are politically imagined, institutionally executed, and individually and collectively experienced.

In the participatory hazards mapping initiative in Warwick market, the deployment of Frontline SMS and Ushahidi – both free and open-source technologies – and the conscious attempt to leverage the municipal WiFi architecture speak to careful design choices for local ownership in the redevelopment of informal traders’ work space. The copyright law reform consultation in Brazil and the Open Data initiative in the Philippines reveal how open APIs are an effective design choice for promoting transparency (Valente *et al.* 2017b; Baleos *et al.* 2017). Similarly, open-source software platforms such as Consul can support the design of verification / ID authentication protocols that do not compromise data security of users, as *Decidim Barcelona*’s online voting process demonstrates (Pena-Lopez 2017b). The room to make such public interest design choices shrinks in initiatives that opt to use proprietary platforms and social networking sites with pre-set functionalities. Such platforms may offer an easy solution to build websites, but they may not be particularly helpful for facilitating decentralised mobilisation or communication campaigns. Even where proprietary platforms allow user customisation, they do not allow intervention at the algorithmic level for making content visible to other users.

Organisational policies and practices are also key to effective design, as the information portal for the national rural employment programme in India demonstrates. Designed to comply with the legal mandate for social audits under the programme, the portal has granular information and is programmed to generate reports to aid such audits on several parameters (job card holders’ name and address, number of days of work, payment due, date of release of payment, etc.). Not only official authorities, but also individuals and civil society organisations have, in many instances, used the information for challenging corruption in wage payments.<sup>53</sup>

<sup>53</sup> Information based on fieldwork by IT for Change between 2016 and 2017.

## 2. *Techno-spaces must be accessible*

Informed deliberation is premised on access to adequate and authentic information. Such information pertains to a range of things, including participation criteria, basic knowledge about the tools and protocols implicated, issue(s) being debated, viewpoints of others participating, and what happens behind the scenes. Governments must share metadata with citizens on the processes and outcomes of participatory exercises.

Citizen engagement – as a pillar of democracy – is inherently messy. The public sphere in digital times stands testimony to the challenges to state authority and statecraft from unpredictable locations, as citizen agents acquire the capabilities to ask questions and demand answers. It is important that states demonstrate the commitment to tackle the magnitude and unpredictability of change through accountable systems that are fair, accessible and efficient. Part of such commitment depends on the routine recalibration of techno-governance systems. e-Participation must be tested, not only for the ease of access the state has to citizen voices and opinions, but also for the integrity and inclusiveness that they bring to democracy.

A disturbing agency is visible in the techno-assemblages of algorithms, one that human capability may find difficult to discern. This is not to say that human rationality cannot rein in runaway code. But the “dazzling” (Giddens 1984) knowledgeability of human agents must grapple urgently with the public ethics, norms and principles adequate to our democratic futures. This is why continually assessing outcomes is important for governments and citizens to reflect critically and recalibrate techno-public spaces reflexively. The race to embrace techno-solutionism through techniques such as Big Data and artificial intelligence must be tempered with an ear to the ground that picks up social experiences that techno-governance may jettison unwittingly or render invisible. Ongoing research and regular audits of the entire ecosystem constituting techno-governance are therefore necessary so that the democratic quotient of citizen engagement mechanisms is scrutinised and realigned as needed.

In situations of lack of trust between citizens and government, ICT mediation, without guarantees of transparency and public scrutiny, can compound problems of legitimacy in governance. Responsible and accountable techno-design, on the other hand, can support efforts to strengthen democracy.

## 3. *Techno-design must involve citizens*

Citizens need to be continuously engaged in the configuration of techno-public space. At the basic level, this means the availability of suitable tools for governments to inform and consult with citizens. However, the quality of future democracy also depends on the manoeuvring space for citizens to propose and steer initiatives that can influence local decisions and

engage directly with political representatives. The policy framework for e-participation must therefore imagine and dedicate resources for civic engagement, not only to open up government, but also to push the bar on democratic experience as a whole. The knowledge, reflexivity and awareness that citizens need to code, decode and re-code become important markers of the political consciousness necessary for active citizenship and a learning democracy in the information age.

## 8.3 Norming for accountability

Governments must ensure that the rule of law upholds democratic principles in digitally mediated governance. Rule of law may be understood to constitute the following universal principles (WJP n.d.):

- government officials, individuals and private entities are accountable under the law
- laws are clear, publicised, stable and just, and protect fundamental rights
- laws are enacted, administered and enforced in accessible, fair and efficient ways
- justice processes are timely and adequately resourced, and justice is delivered by competent, ethical and independent representatives.

As the systems of governance are transformed with e-government and digital interfaces, citizens experience unfamiliarity about the rules and resources allowing / constraining them to enact participation. Social actors in governance systems also reveal ambivalence and lack of clarity when systems go digital. Older guarantees in democracy – freedom of expression and association, right to information, right to vote, right to be heard, right to access public services, right to redress – are recast in new ways. New rights – the right to Internet access / connectivity, right to digital literacy, right to anonymity and personal data protection – become implicated.

Considering that spaces / zones of social interaction today are mediated and moderated by powerful digital corporations and used extensively by political elites for propaganda and myth-making, the rules and resources for participation are heavily weighted against citizens, especially those at the margins. Even in the most stable of democracies, the quality of participation and deliberation is compromised, owing to both agency-related factors (access to digital capabilities, income, social capital) and systemic factors (impact of echo chambers and the informational state). Digital resources can confer citizen agents with a modicum of control, but the power of the “network-data complex” (Gurumurthy and Chami 2016) – the consolidation of social control by corporations through the creation of digital intelligence in all sectors of the economy and society – is far too expansive and deep. It has also been observed that when the Internet threatens government, the government threatens the Internet (e.g. Kamen 2017).

Political regime changes also affect continuity. We noted in the Brazilian case that the strong political commitment to Internet rights during the making of the *Marco Civil*, more than a decade ago, has not continued (Valente *et al.* 2017b). Overlaying the idea of e-participation on top of centralised and corrupt political systems or conflict-ridden social systems marked by lack of trust, as in the case of Colombia, may not mean much for opening up hierarchical, top-down communication between state and citizen, and is likely to lead to manipulative and cosmetic changes that produce / reproduce the democratic divide (Berrío-Zapata and Berrío-Gil 2017b).

As things stand, citizens' ability to influence decisions and contribute new initiatives across the world is, at best, indirect and limited. Yet the broad-brush stroke of this hegemonic trend does not preclude radical departures for alternative visions and norms about citizen participation. Agents within political systems – political leaders, bureaucracy, judiciary, new political parties – and citizen agents the world over are constantly creating and recreating digital democracy and the democratic digital through their conviction and creativity. The local is certainly and belligerently emergent in a post-national, globalised world order. In India, the State of Kerala recently declared access to the Internet a basic right, even though such a right is not guaranteed by the Indian state (Khan 2017).

However, for citizen engagement to be given a central place, deep and abiding system integration of democratic values is called for. This, as the case of *Decidim Barcelona* highlights, is predicated upon the intertwining of digital systems with democracy. Code must be brought to the service of democracy, and new institutions of participation – embedding and embedded in the digital – need to be created. The rule of law plays a critical role in such endeavours to institutionalise citizen engagement, setting the ethical and normative boundaries that can protect and promote participation (see Box 6).

Without a mooring in a robust right to information, open government initiatives, as in the case of the Philippines, may not be able to unleash the transformative possibilities for active citizenship. Similarly, the assimilation of technostuctures within frameworks of neoliberal globalisation underlines a strong role for private sector accountability in e-government projects, failing which timely and responsive service delivery may be compromised. We noted the complexities of private vendors in the SASSA case (see Box 2). Democracy itself can lose out if data regimes in governance are not open to scrutiny by citizens.

Today, citizenship claims entangled in the digital are becoming increasingly central to the courts. Evidently, the implications of the digital for democracy are still unfolding, and thus cannot be fully grasped by social actors across the spectrum from local bureaucracy and technical community members to political leaders and citizens. As the unacknowledged conditions of digitally mediated systems become visible through various instances, the consequent implications for public ethics and norms and democratic principles may not be immediately or easily manifest.

Also, social norms and practices can restrain and inhibit the participation of women and people with non-normative gender identities in online public spaces (Gurumurthy and Chami 2014; Web Foundation 2015). Law, even if only one of many instruments for social equity, is still a vital ingredient for democratising citizen engagement. The future of democracy hinges on the remaking of legal-institutional frameworks to ensure empowered citizen engagement.

## Recommendations

### 1. Digital participation requires revisiting existing laws

Institutional arrangements for democracy must be revisited and refurbished for a robust legal-institutional framework for digitally mediated civic-public deliberation and citizen participation in governance.

## Box 6: Making participation work through rule of law

*Decidim Barcelona's* rules for online participation focus on striking a balance between the translocal exchange of ideas and the deepening of local, geographically bounded democracy. Enabling an exchange of urban development proposals among urban communities across different municipalities in Spain, the initiative encourages cross-pollination of good ideas. Yet decision-making processes limit participation to resident citizens of Barcelona. The portal lays down no entry-level requirements for posting project proposals or participating in discussion threads. But it has a secure ID authentication process for online voting on proposals, to ensure that it is residents of Barcelona who finalise municipal planning strategies. Similarly, the Telecom Regulatory Authority of India (TRAI), in its online consultation on net neutrality and free data services, used its authority to disqualify unfair practices, to prevent Facebook's manipulation of the process. To seek support for its zero-services platform FreeBasics, Facebook manipulated the online consultation, persuading users to sign a petition on Facebook that it auto-forwarded to the regulator. However, the regulator refused to consider the 1.35 million messages received, stating that "a meaningful consultative exercise designed to produce informed decisions in a transparent manner ... [could not be reduced to] ... a crudely majoritarian and orchestrated poll" (Venkatarmakrishnan 2016).

E-government readiness often stops with initiatives for informational transparency and internal communication within public administration. However, facilitation of civic–public deliberation – as an essential part of future democracy – requires new techno-institutional thinking. Existing legal frameworks need to be brought up to date for meaningful and empowering citizen access to technology. The case studies have called for laws on volunteerism, right to information, grievance redressal, right to be heard, digital literacy, data protection and the right to connectivity, to strengthen citizen engagement. Across the world, courts are deciding on the freedom of expression and association, right to privacy, right to explanation, right to bodily integrity, right not to be excluded from public services, right to information, etc. in their particular, digitalised meanings.

The capability of legal systems to respond to questions about the rights, roles and obligations of state agencies, individuals and private entities in relation to citizen engagement need to be clarified. Justice systems need to be equipped to protect and promote citizens' rights to participation, producing cutting-edge jurisprudence that is competent, ethical and independent. This will determine the possibilities and power conferred on citizen agents to act in trust, in projects of participation.

### **2. Datafied democracy needs new governance frameworks**

Frameworks for governing code, data and digital intelligence to safeguard people's rights and liberties become imperative. These concern algorithmic

transparency and the right to explanation, the right to know who collects what type of information, remedies to correct erroneous data, transparency on the criteria used for profiling and sorting individuals in various projects and processes of governance, etc. They also pertain to protocols for cross-departmental coordination and a horizontal digital institutional layer covering issues such as data security, transparency, identity authentication and data analytics (see Box 7).

### **3. Digital democracy must put the last person first**

The marvels of information aggregation and centralisation for bureaucratic efficiency and transparency made plausible by the digital cannot become a reason to vitiate the validity of offline participation modes. Those at the margins of mainstream digital society – non-literate people, older populations, those living in rural and remote areas – can be easily disenfranchised, given their lack of social capital and fluency to navigate e-participation systems. Citizen participation must therefore be valued, digital skills for engagement made accessible, and engagement mechanisms outside the digital legitimised. In India, some civil society organisations have come together to propose a Charter for Democratic Accountability in the Digital Age.<sup>54</sup> Even the most advanced digital democracies need to work towards political equality, given that technological systems of engagement – even while resolving older problems of reach and centralisation – bring in new biases along with new challenges to representation s (see Box 8).

## Box 7: GDI in the Netherlands

Under the newly appointed Digi-Commissioner, the different layers of governance in the Netherlands system are increasingly required to adopt the same technological solutions for online public services, known as the Generic Digital Infrastructure (GDI). The Government of the Netherlands is thus pursuing a strategy to retain leadership of e-government design, rather than relying on outsourcing or bringing in private actors in the design stage. The GDI is understood as a technological solution to ensuring that the legal responsibilities of the government vis-à-vis its citizens (privacy, transparency, law and order) are met. The development of the GDI is coordinated by a complex governance structure that includes several ministries and representatives of municipalities, executive agencies, water boards and the industry (Dumitrica 2017a).

## Box 8: How the right to be heard is institutionalised

In the development of its Municipal Action Plan (PAM 2016–19), the City Council of Barcelona set up facilitation booths / kiosks across the ten districts of the city, to make citizens aware of the initiative and demonstrate to them exactly how they could navigate the platform. This was considered important to motivate individuals who were not tech-savvy to participate in the initiative. Across the ten districts, 410 face-to-face meetings were convened on different thematic areas, during which proposals received through the online portal were shared with citizens for their inputs and feedback. City Council facilitators also ensured that reports of these offline meetings (including proposals received) were uploaded to the platform, and announced the dates of upcoming meetings. This helped in achieving complementarity between offline and online forms of participation (Pena-Lopez 2017b).

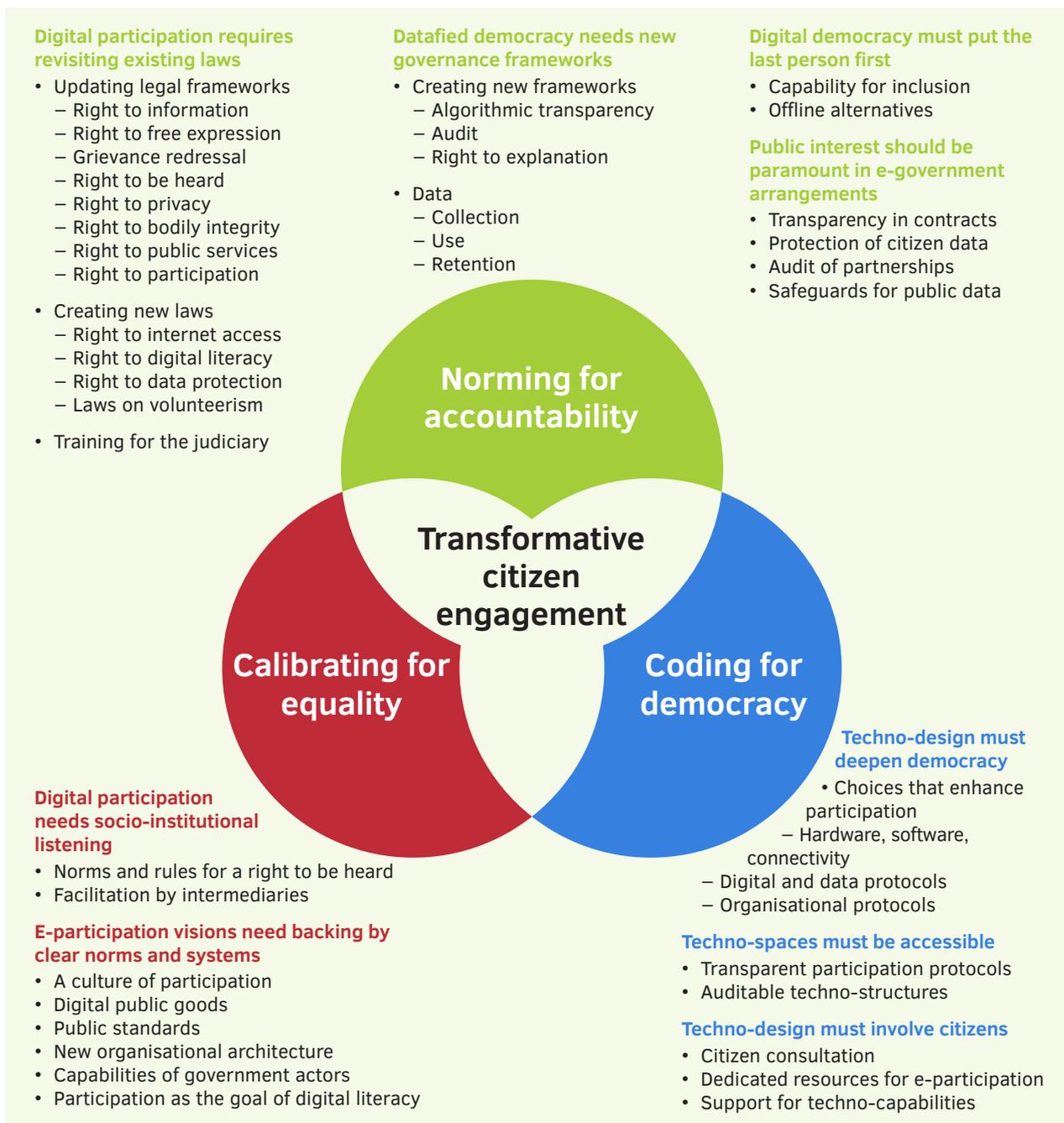
<sup>54</sup> <http://itforchange.net/mavc/charter-on-democratic-accountability/>

**4. Public interest should be paramount in e-government arrangements**

Private players have a huge stake in emerging ecosystems of public administration, controlling technomateriality and colluding with authoritarian state actors (Bharthur 2017a). A perverse concentration of power between political elites and business interests in techno-public processes has unleashed basic questions for public ethics and principles and, particularly in the global South, a normative gap for the guarantee of rights. The role of commercial platforms in deliberative processes also brings into focus concerns requiring policy intervention on confidentiality and ownership

of personal data, and about the hosting / storage of public data on private platforms. While more research is needed to understand and document the role and impact of the private sector in e-government design and outcomes, an urgent imperative exists for transparency about private parties and their role, and for public interest checks in the terms of private sector contracts. Not only is it vital to make contracts in e-government processes transparent, it is also important to evolve institutional mechanisms to protect citizen data, institutionalise audits of private partnerships and ensure that public data is not privatised (see Figure 13 for a full model of public policy recommendations).

**Figure 13 Transformative citizen engagement at a glance**



## 8.4 Final remarks

The subject matter of voice and participation has fascinated researchers, theorists, practitioners, policy-makers and citizens alike. The advent of the digital age has only made the idea more compelling. Our keenness to understand the idea of digitally mediated citizen participation presented a fitting occasion to use the acclaimed theory of Anthony Giddens in this research. We were able to bring together a set of rich empirical explorations to unpack the site of digitally mediated participation: its norms, codes and power architectures. We saw how participation is in constant conversation with Internet time-space in the neoliberal moment, presenting a complex and highly nuanced terrain that impinges on citizens and their voice, one that citizens also create and recreate constantly.

The case studies we have dipped into are but a microcosm of the momentous and multi-faceted phenomenon of voice, as it occurs now. But they challenged our intellectual and psychological resources enough to tease out and, hopefully, contribute to the body of work in this area. A Giddensian methodological frame is like a cognitive compass: it informs your inferences deeply, but allows you the latitude to come to your own conclusions. This facility of the theory has enabled us to tie in insights across the scholarship informing all the cases considered here. It is likely that there are many other interpretations of what these cases presented.

On an irrefutably normative issue such as citizen voice and participation, much has been said about ideal case scenarios. Our hypotheses add to this huge body of work, coming from the standpoint of everyday democracy and an abiding interest in power and transformation.

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## About Making All Voices Count

Making All Voices Count is a programme working towards a world in which open, effective and participatory governance is the norm and not the exception. It focuses global attention on creative and cutting-edge solutions to transform the relationship between citizens and their governments. The programme is inspired by and supports the goals of the Open Government Partnership.

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## Research, Evidence and Learning component

The programme's Research, Evidence and Learning component, managed by IDS, contributes to improving performance and practice, and builds an evidence base in the field of citizen voice, government responsiveness, transparency and accountability (T&A) and technology for T&A (Tech4T&A).

## About IT for Change

IT for Change is an Indian NGO that works on the theory and practice of information societies from the standpoint of equity, social justice and gender equality. The research it carries out emphasises applied knowledge that informs policy and programming. IT for Change prioritises concrete change, and activities include workshops bringing together civil society and governance actors, participation in expert committees and task forces to influence government policy, and capacity-building programmes for policy-makers.

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