

The Characteristics and Values of E-governance and the Role of E-democracy

Chao. Tang, Muruga Perumal. R.

Abstract—E-governance, as a digital means of public administration, facilitates the process of delivery of public information and services and improves the efficiency and transparency. The present paper argues that the objective of E-governance should not be limited only to the above goals but should seek to achieve a higher set of values. Unlike E-commerce, the ICTs application in public governance should target higher objectives such as promoting effective dissemination of laws, improving access to justice, strengthening the rule of law and achieving E-democracy etc. Firstly, the paper identifies and analyzes specific characteristics and values of E-governance and distinguishes them with those of E-commerce. It also examines some of the potential challenges that could arise in realizing E-governance by drawing some parallels with E-commerce. Then the paper addresses one of the important values of E-governance namely E-democracy by examining its scope and its manifestation in the specific jurisdiction of UK and its particular relevance to legal affairs. The final part of the paper after highlighting the systematic study of E-readiness ranking of different governments around the world, examines some of the E-governance initiatives evidenced in a relatively small jurisdiction of Macau SAR. The paper concludes that although good progress has been achieved in the adoption of E-governance in general, there are still opportunities for further progress in the field of E-justice and E-democracy in Macau.

Keywords—E-democracy, E-governance, E-governance in Macau SAR, Values of E-governance

I. INTRODUCTION

E-governance, sometimes referred as e-government, online-government or digital government, can be simply defined as the public sectors' use of Information Communication Technologies (ICTs including the world-wide-web, mobile devices, digital content, etc.) to improve and enhance the efficiency and effectiveness of the delivery of information and services to citizens, businesses and organizations. More importantly it facilitates the access to the governing processes and encourages active participation of citizens. More than a transformation of style of government administration into a digital form, E-governance also signifies the transformation of the relationship between public sectors and the private citizens and businesses in a more interactive and collaborative way. The E-governance models can be classified based on the relationship of the government with various stakeholders like citizens, businesses, other government organs

and government servants referred as G2C (government to citizens), G2B(governments to businesses) , and G2G (government to government) respectively.

II. CHARACTERISTICS AND VALUES OF E-GOVERNANCE

E-governance is a broad term signifying the engagement of ICTs in various spheres of governance. There are other related terms like 'E-government' which are used alternatively by other studies. The term E-government is also used in a more limited sense of use of ICTs in internal operations of running a government to facilitate inter and intra departmental workflows. However, the present paper mainly uses the term E-governance and in a broad sense involving the use of ICTs in public administration (both within the government and its external interactions) where the sovereign is involved as a party.

The objective of the use of ICTs in governance is not just limited to achieving efficiency but also various values of good governance like improving citizen participation, enabling easy access to critical information and offering public services online. One of the spheres of the governance, where such goals manifest is the legal field. The use of ICTs in legal governance is of interest for not only legal professionals but also others like citizens, business entities and foreigners. If E-governance in relation to legal affairs can offer efficiency for legal professionals, for others it has the potential to offer far more values beyond efficiency. Such values could be realized at various stages of administration of law and justice like law making, interpretation of law and enforcement of law. These values include among others E-democracy in law making, effective dissemination of laws, improving access to justice and provision of legal aid, achieving transparency and rule of law and providing effective grievance mechanisms. In particular, E-governance signifies the move from passive dissemination of legal information to a more active involvement of citizens and relevant segments of the society in the wider administration of law and justice. The above values are not only sought after at national levels but also in the context of international legal obligations. For example, transparency obligations are widely part of international regimes like the World Trade Organization (WTO), which can be achieved effectively through the use of ICTs in trade procedures involving foreign entities.

The use of the Internet for commercial transactions has been wider in comparison with public administration. A wide spread adoption of E-commerce is achieved in spite of the fact that it is fraught with many legal challenges. Both business to business (B2B) and business to consumer (B2C) E-commerce

Chao Tang, Faculty of Law, University of Macau (phone: 00853-62195485; e-mail: tongciu108@gmail.com).

Muruga Perumal R., Faculty of Law, University of Macau.

applications are influenced by a range of legal factors that have to be identified and effectively addressed in order to tap into the full potential of E-commerce. Although, the legal recognition of electronic documentation and related transactions has been widely achieved in many national jurisdictions, the legal challenges facing E-commerce transcend beyond recognition issues. Various elements of E-commerce like electronic communications, electronic contracts, online payments, display and delivery of digital content face many legal questions, some of which undermines the very advantages and distinct opportunities E-commerce offers. Some of the above legal challenges could also be relevant in the context of E-governance and require conscious efforts to address them effectively.

International and national legal regimes have continuously strived to address the raising challenges facing E-commerce by developing both binding and soft law measures, which are subject to various studies. However, the legal issues facing E-governance have received a very scant attention possibly because of some potential underlying assumptions. For example, the possession of regulatory and enforcement powers of a sovereign could create an assumption that E-governance transactions like G2C, G2B, G2G may not be prone to typical E-commerce challenges. However, E-governance related actions are equally vulnerable to threats and challenges faced by private parties engaged in E-commerce. A study on Australian E-governance experience, for example, while highlighting the exposure to fraud risk, argued "As Australian government move towards full e-government, they will increasingly need to confront and find solutions for many of the same e-fraud problems that e-businesses are currently facing". [1] It also referred to other studies that have identified a range of other risks facing public and private organizations alike, which include hacking, defamatory email communications, loss of data and intellectual property, vulnerability to computer viruses and privacy risks. [2] Although, such risks and related legal challenges are faced by both private and public entities, it is necessary to address them in the specific context of E-governance in order to ensure effective governance.

Measures aimed at addressing the challenges facing E-governance requires the identification of some of the distinct characteristics of E-governance. Firstly, unlike E-commerce which has mainly economic or commercial goals, E-governance is dictated by a wider number of objectives. These objectives are not limited to achieving of efficiency but a range of other intrinsic values of effective governance. Secondly, the desirability of such values is not limited to national governance issues but also issues pertaining to international relations often arising out of international obligations of sovereign states. Thirdly, these values manifest more strongly in the legal field that has to be closely studied in order to examine how E-governance facilitate the realization of such values. Finally, E-governance, in spite of the involvement of the sovereign as necessary party faces risks and challenges that have to be effectively addressed through national and international legal measures in order to achieve the desired goals. These unique characteristics have to be reflected in the

development of strategies aimed at achieving effective E-governance.

III. E-GOVERNANCE AND E-DEMOCRACY

As a precursor to the discussion of E-governance application in the legal field, it is important to understand the notion of E-democracy. E-democracy refers to the effective engagement of different stakeholders of a society through the use of ICTs in any relevant process influencing governance. These processes could be related to various stages ranging from election of a government to administration of governance to removal of a government. It is important to note that promotion of E-democracy is not limited to the government. Activities or processes that influence governance, including those which are promoted by citizens or non-governmental organizations (NGOs) could also contribute to the development of E-democracy. For example, online grievances or debate forums pertaining to public issues provided by NGOs (even though may not be part of a government initiative) would be considered as an important exercise of E-democracy. The broad definition of E-democracy could be justified in the light of diverse attempts to define the concept. While some define it narrowly, others seek a more comprehensive definition. While acknowledging these facts, the United Kingdom (UK) Parliamentary Office of Science and Technology (POST) defines it "as the use of new Information and Communication Technologies to increase and enhance citizens' engagement in democratic processes". [3]

The UK POST, while pointing to the debate over which activities should be part of E-democracy, includes E-voting and the related process of E-Campaigning as part of the concept. It provides various examples of E-democracy that are introduced in the UK. The UK POST categorizes such activities relating to E-democracy based on the criteria of where an activity in question originates and which direction(s) the relevant processes flow. The activities are first categorized into 'top-down' (those initiated by the government with specific goals and objectives) and 'bottom up' (those initiated by citizens aimed at similar objectives of the top down category and others), based on whether the concerned initiative originates from the government or the citizens (or relevant stakeholders) respectively. Each of these categories is further subdivided into a 'one way' (one way process mainly has information flows from government to citizens aimed at promoting democracy) or 'two ways' (two way process goes beyond the one way process and enables citizens to provide input like providing opinions to the government) process based on the number of directions the process flows. For example, the UK E-democracy initiatives include live and archived online coverage of all public parliamentary proceedings and meetings of the committees of both of its houses [4] (categorized as 'top-down and one way'), an online consultation forum [5] relating to parliamentary select committees (categorized as 'top-down and two way') and an online petitioning site [6], allowing members of the public to petition about various issues of concern (categorized as 'bottom up and two way').

The UK example shows that one of the important contexts where the issue of E-democracy becomes very relevant is the administration of legal affairs (including legislative activity in

particular). Therefore, it is highly necessary for governments to evaluate carefully how their application of E-governance in legal affairs could be designed to promote E-democracy. Although, the present paper does not intend to examine how individual E-governance application in legal affairs promotes E-democracy, it is an important frame of reference for evaluating E-governance in the legal field.

IV. TRACING E-GOVERNANCE WORLDWIDE AND PROGRESS IN MACAU SAR

A. E-readiness for E-governance

Before the idea and concept of E-governance or E-government was formally created in 1990s, many governments have already launched their own initiatives and programs on the use of ICTs. In spite of some of early adopters, the degree of development of E-governance among nation states varies a great deal. According to the report of "UN E-Government Survey 2012: E-Government for the People", the top ten countries on E-Readiness Index, are Korea (0.9283), the Netherlands (0.9125), the United Kingdom(0.8960), Denmark(0.8889) and the US (0.8687), followed by Canada, France, Norway, Singapore and Sweden. And the indicators of the index leads to a world average of 0.4877 compared to 0.4406, which means global governments overall have made progress in e-governance performance.

In this ranking index, China ranks No.78 advancing by 6 from 2010, with a value of 0.5359, while Macau, Hong Kong SARs and Taiwan are not included in the ranking exercise. Although China as a whole lags far behind the leading countries, Macau being a special administrative region of China with its small area, limited population and high income per capita, among other intrinsic advantages, distinguishes itself in adopting E-governance.

B. Advancement of E-governance in Macau

Macao SAR Government has since the year of 2000 continued to advance its modernization and reform in government management, and transformation of its public service delivery machinery. As part of this effort, the e-Macau program was proposed and jointly developed since 2004 between the Government, UNU-IIST (a subordinate body for UN University, located in Macau) and other local institutions including University of Macau. As a major E-governance initiative undertaken by the Macau SAR Government, e-Macau has gone through two phases and is ongoing with its current Phase III, which concentrated on consolidating the outputs and activities achieved by previous two phases and helping SAFP (Public Administration and Civil Service Bureau, the representative of Government in the program) to institutionalize the activities, structure and culture of the program.

For the specific products and provision of e-government, Macau SAR Government has released many e-services and government information from different public sectors in its portal website. [7] Before entering this portal, three entrances which were specially designed for citizens, tourists and merchants are available for users to choose according to their needs. And the information and services contents for different users also vary between these three kinds of users. Take the

interface for citizens as an example, different kinds of information and policies are arranged and classified into items of family, housing, education, employment, health, transportation, documents, leisure & culture, social welfare, citizen and others. Each of these categories will lead users to large-scale of information and knowledge relevant to public administration and management. Among them, it includes the introduction to important legal procedures and information which are helpful for a citizen from birth to death. Besides these scattered legal information and procedures there is the provision of several databases for all Macau laws, including "Macau Law Portal" and "LegisMac" and the website of Government Printing Bureau, where all categories of local laws, applicable national laws and relevant international law are disseminated. Besides, a special collection of "Multilateral Treaties" is also provided to specify the treaties applicable to Macau SAR.

In addition to the above, there is a special linkage in the main page of the Portal for both citizens and merchants (not for tourists), leading to the interface of provision of e-services. These services include areas of job matching, social benefits, public libraries, vehicles, booking & reservation, education and other civil affairs. Seen from the nature of different services, they include e-registration (such as online registration for civil servants positions); e-pay service (such as vehicles circulation Tax); e-application for administrative licensing and approval; e-verification and retrieval of identity card; e-booking for public facilities and venues. However, most of services are about general inquiry on the outcome or progress of administrative proceedings.

Despite provision of all these e-services, it faced inconveniences and inefficiency. As different services involved specific access codes and processes, it was not convenient enough for users to manage different logins. Moreover, it also cost government agencies a lot of time and resources to manage user repositories and login accounts. In order to solve this problem, the SAR government formally launched "e-pass" project in 2009, a single sign-on solution for public services, so that users only need to log in once to get all e-services from different sectors. [8] In March of 2011, "my government service" was launched in e-pass platform in order to make users to choose and set the information and services according to their needs and arrangements, to make the services more personalized. The release of "e-pass" and "my government service" in essence is the construction of a one-stop-shop platform where a more personal and individual items of e-services and information are provided. It is also the practice and reflection of the "people-oriented" or "citizen-centered" governance philosophy manifesting in the context of E-governance in Macau.

The services and information, especially those of legal character provided by government through ICTs, provides relevant legal information to the general public. On one hand, legal knowledge and materials for education scattered in different fields regarding their daily life help them better understand how are their actions and relationships with others or even governments sectors are regulated by law; on the other, when they get simple legal problems, there are some consultations platforms or mechanism for them to utilize without heading to the law firm. [9] For legal professionals and

learners, full legal databases or searching system benefit their research and study in law.

To compare with administration departments, the judicial departments and legislative bodies seems to be less active in the e-services provision, only several information and documents published in their official websites for involving parties to search, such as court cases waiting tables and parts of judicial decisions, and relevant legal forms and documents for download. However, there are no evidences of advance applications of ICTs in administration of justice like the online dispute resolution (ODR) or E-justice which have been explored in other jurisdictions. The basic idea is the use of ICTs to enable parties to reach dispute settlements, especially in civil and commercial disputes. The idea of ODR reflects the cultural need for a mobile, interactive, less formal, speedy and inexpensive approaches to grievance and dispute resolution. [10] For future development of Macau E-governance, the use of ODR should be considered especially by the courts which could use it in pre-litigation process to simplify and facilitate the access to justice for citizens.

V. CONCLUSION

The Objective of the E-governance is not limited to the achievement of efficiency. Unlike E-commerce, which strives to acquire economic or commercial benefits, E-governance involves various goals of effective governance. These goals relate to the realization of a range of higher intrinsic values beyond the efficiency, such as: interactive dissemination of laws, improving access to justice, achieving transparency, E-democracy in law making and rule of law. In spite of the difference in their goals, E-governance and E-commerce could face common challenges and they have to be effectively addressed. One of the spheres of E-governance, where foregoing goals and values manifest more vividly and concretely is the legal field. In this context, it is important to strive to achieve the values of E-democracy. It is also an important frame of reference for evaluating the performance of E-governance in the legal field.

Macau SAR, as a local government, has initiated relevant programs early and made significant progress in the adoption of e-governance, compared to other parts of China and even other neighboring jurisdictions. However, in the field of E-democracy, Macau lags behind its neighbor Hong Kong, where E-democracy has been explored in political activities by parties. [11] Like Hong Kong, Macau also enjoys the advantages of a high network coverage and phone usage rate, and freedom of network and the fact that the public has a certain degree of mastery of different digital technologies. Macau government could make use of these advantages to grasp public opinions and increase public participation in the path to promote its own democratic development. Any such conscious measures to achieve E-democracy will obviously enable Macau SAR to scale new heights in the realizing the fruits of E-governance.

REFERENCES

- [1] Milind Sathye, "Fraud in e-government transactions: risks and remedies" *Future Challenges for E-government*, Vol.2, Sydney: Institute of Public Administration Australia, 2004, pp.42.
- [2] P Grabosky, *Electronic Theft: Unlawful Acquisition in Cyberspace*, Cambridge: Cambridge University Press, 2001
- [3] See The Parliamentary Office of Science and Technology, "E-Democracy", *Postnote*, January 2009, No.321 at p.1. Although, the term E-democracy is more popular since the advent of the Internet, it is interesting to note that the above article points to some of the attempts to use of electronic media to promote democratic elements in the process of governance in the UK. The report refers to the efforts made to use the two way cable television in the 1970s and the teletext in the 1980s to promote the democratic process in the UK.
- [4] See <<http://www.parliamentlive.tv>> the archived materials of the parliamentary proceedings cover the period since 1st July 2009.
- [5] See <<http://forums.parliament.uk>> which shows the initiatives of the British Parliament since 2007. However, it is important to note the E-consultation has been conducted by other entities of the UK government even before.
- [6] See <<http://epetitions.direct.gov.uk>> It is interesting to note that if the E-petition gets at least 100,000 signatures, it qualifies for a debate in the UK House of Commons.
- [7] See the Portal of Macau SAR at:<<http://portal.gov.mo>>
- [8] See <<http://www.gov.mo/epass/>>, only Macau residents and businesses are eligible to apply for a user account of this e-pass service. However, in order to apply for such an account, citizens should go to premises of relevant government organs personally with a certain procedures.
- [9] See:<http://portal.gov.mo/web/guest/info_detail?infoid=163848> the "Labor Advisory Service" was provided by Labor Affairs Bureau for those who encounter legal problems on Labor.
- [10] Paul G. Nixon, Vassiliki N. Koutrakou and Rajash Rawal(ed.), *Understanding E-Government in Europe Issues and challenges*, London and New York: Routledge, 2010, p.133
- [11] See "E-democracy applied in Chief Executive Election in Hong Kong SAR", *Yazhou Qikan*, Volume 25. No.32. published in 2011.08.14. <http://www.yzzk.com/cfm/Content_Archive.cfm?Channel=ac&Path=2292684042/32ac2b.cfm>