

Transparency and Information Disclosure in E-Government

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INTRODUCTION: INTERNET AND DEMOCRATIC EMPOWERMENT

The advent of new information and communication technologies (ICTs), in particular the Internet, has inspired bold scenarios about a new era of democratic governance and political empowerment that these technologies of freedom make possible. Most visions and strategic frameworks for e-government posit that this paradigm of citizen empowerment can be advanced in two ways:

1. By harnessing new ICTs in order to make the provision of government services more accountable and responsive to customers' needs.
2. By harnessing new ICTs in order to decentralize and disintermediate collective decision-making.

The first path, which could be called *e-services*, is influenced greatly by the theories of new public management, the zeitgeist flavor in thinking about public administration. New public management focuses on lean government. It conceptualizes the working of public administrations as a customer-service provider relationship, where a lean management team is tasked to put our tax money to work in order to produce those few services that the market cannot deliver. E-services, in this view, will advance democratic empowerment, because they involve the streamlining of government bureaucracies; because they can be deployed more efficiently and more flexibly and can be targeted; and because they limit the scope for abusing bureaucratic power by allowing customers to take greater control of the timing, format, and monitoring of due process in public service provision.

The second path, which could be called *e-democracy*, subsumes the various plebiscitary uses of the Internet that have been put on the map by advocates of direct democracy and now are featured in many official e-government visions and strategies. Initiatives in this area include online voting, online polls, online deliberations, and use of the Internet to contact civil servants or legislators directly (Barber, 1998; Norris, 2002). New ICTs in this context are anticipated to engage individual stakeholders more directly in decision-making processes, to

enhance the effectiveness of plebiscitary instruments, and to cut out intermediaries and reconnect citizens more closely with their elected representatives.

Taken together, these two dominant themes of e-democracy and e-services constitute the main paradigm for envisioning what role the Internet can play in democratic governance and what public policies should be crafted in order to make this happen.

Governments all over the world have bought into these concepts, some enthusiastically and some more reluctantly. But all of them appear to accept these dominant expectations of how the Internet ought to transform governance. E-services and e-democracy have become the public yardstick for performance and symbolic legitimacy.

Adding to their persuasiveness is the fact that e-services and e-democracy complement each other ideally. They share a more fundamental suspicion of big government and seize upon the Internet to reassert individual freedom and self-determination by making governments lean and by disintermediating deliberation and decision making. This convergence in large parts of the e-government community around a techno-libertarian value framework also is aligned closely with and, thus, reinforced by similar sentiments in the Internet developers' and early adopters' communities. With regard to Internet use in the trailblazing U.S. context, Norris (2001) finds that "users proved significantly more right-wing than non-users concerning the role of the welfare state and government regulation of business and the economy". This wariness with regard to regulatory intervention is not confined to the Internet but reflects a long-standing suspicion against politicizing technologies (MacKenzie & Wajcman, 1999).

A NEGLECTED DIMENSION: E-TRANSPARENCY

As laudable as these goals are, it is questionable whether this almost romantic vision of disintermediation and self-representation that has been fueled by the arrival of the Internet adequately captures the complexities of political claim-making and governance in a modern democratic

society and whether it presents the full range of options for the Internet to be used in this context.

It can be argued plausibly that these conceptions of empowerment and the e-government strategies that they inspire pay too little attention to the wide field of conventional practices of political engagement. A number of commentators have drawn attention to the democratic shortcomings of the e-services agenda (Chadwick & May, 2003; La Porte et al., 2000). The e-democracy theme does not fully make up for these shortcomings, either. The citizen is not only customer or voter, but he or she is also a citizen who participates in public affairs predominantly via a thick, rich layer of social networks and collective entities that help to transmit preferences into political claims, that bundle interests and mobilize, that monitor government conduct, and that condense dissatisfaction into opposition.

Refined conceptual work and emerging empirical evidence on the political effect of the Internet suggest that hopes for radical dissemination and individualistic empowerment are premature. It is more likely that a messy patchwork of organizations and affiliations, and of civil society and media intermediaries will remain the predominant infrastructure for forming political claims and disciplining public power. Analyses of conceptual and comparative empirical evidence on the relationship between the Internet and the political process corroborate this claim (Agre, 2002; Bimber, 1998).

The failure to recognize more firmly the persistence of these forms of political engagement and the widespread occupation with more visionary e-services and e-democracy initiatives is deplorable. It seems to have pushed into the background a set of rather fundamental policies and initiatives that would help to make the Internet work better for democracy. This neglected area of engagement is the use of the Internet for making governance structures more transparent. This agenda, which could be called e-transparency, focuses on comprehensive information disclosure by all branches of government. It prioritizes progressive statutory freedom of information rights to make disclosure enforceable, and it places the objective to make information disclosure more effective in enabling critical scrutiny and constructive engagement in public decision making at the center of thinking about the Internet for political empowerment and practical e-government strategies.

A commitment to e-transparency is based on the recognition that what lubricates the machinery of political and civic engagement is the flow of information from and to systems of governance. Transparency is a key to good governance, political empowerment, and a functioning democratic system. The importance of transparency long has been recognized by political scientists. Dahl (1971) made an early claim in this respect from the perspective of

prescriptive democracy theory. More recently, March and Olsen (1994) developed an institutional justification, while Linz and Stepan (1996) highlighted the benefits of transparency for processes of democratic consolidation. Florini (1997) and Mitchell (1998) elaborated on the respective advantages for international regimes.

THE PRACTICE OF E-TRANSPARENCY

While all governments pay lip service to good governance and transparency, e-government strategies rarely are attuned to these commitments. In most countries' e-transparency, little attention is being given to creating an enabling legal and policy environment for e-transparency (Zinnbauer, 2004). Some countries, such as Germany, that pursue ambitious e-government initiatives have not even put in place a basic freedom of information law that would be a prerequisite for advancing e-transparency. Freedom of information laws, where they have been passed, typically sideline technology-related issues. A 2004 survey of freedom of information laws around the world found that about 80 countries have instituted or are in the process of establishing freedom of information laws, but very few explicitly consider the role of electronic information and the Internet. Just a handful of countries has clarified that freedom of information practices apply to electronic records, and even fewer have established a statutory duty to publish more expansive information online or to accept e-mail requests for documents (Banisar, 2004). This neglect is mirrored in the information disclosure policies of international regimes and multilateral development banks. Information guidelines for these institutions, if they make reference to the Internet at all, contain only vague references to electronic dissemination but do not set any explicit and, thus, enforceable standards for what should be published online, when it should be published, and in what form it should be published. This is what the author found when reviewing disclosure policies of the World Bank, IMF, UN-ECOSOC, UNDP, AFDB, ADB, and WTO in May 2004. Mendel (2003) arrived at similar results. To give another example, disclosure policies for the European Union Commission and Council only call for the establishment of an electronic register of documents that have been produced but do not mandate full-text online access (Curtin, 2003).

This neglect of e-transparency in the legislative framework also is replicated in the practice of e-transparency in many countries. A global survey of e-government in 192 countries found that on average, government Web sites achieve less than half of the maximum score for their transparency function (La Porte et al., 2001). Similarly, a

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