

E–STATE, E–DEMOCRACY AND THE E– GOVERNANCE MODEL: FREEDOM TO ACCESS INFORMATION AS A PRIORITY PRINCIPLE

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The advancement of information and communication technologies, the effects of globalization and "network economies" that the combination of these two dynamics produced have led to an inevitable paradigm shift at the societal level as well. This is the shift that dominates our times and that is defined in such terms as the "information revolution" and "information society". Information places itself at the foundation of capital and the circulation of information at economic activity, and this circulation which surrounds the world with a network structure is not confined solely to the economy but develops together with the added value presented by the interaction dimension dominating networks established by societal relations. This socioeconomic transformation directly influences modes of government, hence the modus operandi of the state.

Information society sociologist Manuel Castells characterizes the paradigm shift created by the "global network effect" in these words: "Globalization is activated through an instrumental information network which links governments, cultures and institutional structures in different ways". (1) Just like economy and culture, politics and governance are also growing "informational". It is within this informational framework in which "e–governance" that relates the concepts of "e–state" and "e–democracy" appears.

The model proposed by introducing the prefix "e" before state and democracy to mean "electronic" does not amount to a "technical" invention, a "science–fiction" product or to the application of knowledge economy models known as "new economy" to the public sphere contrary to popular belief. Conversely, this model has been developed after being compelled by a primarily political and a socioeconomic context. The priorities of this model are determined by citizens' demands for participation and supervision rather than the "economic efficiency" goal of the state again contrary to popular belief.

It is true that much of the literature on e–state consists of the work models of information technology and communication sectors, which enjoy the largest share of "network economies". However, this is more of a technical and operational aspect of the issue. E–state model and e–democracy, which constitutes its foundation, have been made possible by developmental demands based on governance, participation, transparency and social justice.

As much as the concept of governance that can be construed as an advanced stage in participatory democracy is defined in many ways, it means "reciprocal governance" or "interactive governance" as a term and from this angle, it is closely related to the concepts of "civil society" and "autonomy/self–management".

"Governance" which is directly nourished by the "self–management" approach that is the contribution of the 1970s to political life and that is grounded in the political participation of civil society strikes us as a much more interactive

organization of government differently from the pluralism conception of liberal democracy. The concept of "governance" which aims at realizing a community-based government approach that will maintain the widest possible consensus within the society through participatory policies advances the "activation of democracy" ideal of the self-management approach further.

Demands and models for scaling down the state for enhancing its efficiency that erupted with the crisis of the nation-state within the process of the globalization of liberal economy have played an important role in the development of the governance approach. From this angle, the concept of governance has gone through a development linked to the globalization of economy process.

Knowledge, particularly of political economy, is at the core of the "art of government". In the process that led up to the emergence of the nation-state, the state's move to offer its knowledge of the population on its territory and of economic-political relations of that population to the service of government rather than the territory covered has played an important role. Increasingly opening up this knowledge of political economy to share during the process of globalization has narrowed down the sphere of sovereignty of the nation-state; since sharing information is sharing power.

Nation-states can come up with no other way but open up the enormous knowledge complex they possess to share, because international relations and the global economy on the hand and societal dynamics on the other are increasingly based on sharing information and sharing information becomes a criterion for the capability to govern within this context.

Sharing information, that is sharing power, constitutes one of the foundations of participatory democracy. Neither democratic participation nor transparency in public administration can be talked of without granting citizens and civil society organizations the right to access public information. It is apparent that non-participatory and closed governments lead to paralyzed public administrations emanating from totalitarian mindset, corrupt relations and heavy centralization. Consequently, legal measures protecting the right to access public information, in particular "Freedom of Information" or "Freedom to Access Information Act" more clearly, form one of the most important dimensions and priority principles of the legal infrastructure necessary to bring about governance in a healthy way.

E-State and E-Democracy: The E-Governance Model

At the national level, governance indicates the combination of participatory and effective democracy with sustainable development, while it indicates such management of international relations at the global level as creating added value and efficacy within an interactive network relationship on the one hand and as compatible with universal democratic standards on the other.

As mentioned above, governance means the applicability of rules based on the consensus of all the parties involved in the governmental process through the active participation of again the same parties in this process. When viewed from this angle, it is clear that governance should not be perceived as "lawlessness" or "loose management",

conversely, the combination of political and economic dimensions, which form the content of the concept, relates the governance mechanism with values such as "partnership", "joint ownership", "effectiveness", "efficiency" and "sustainability".

The importance of the governance approach for public administration reforms or restructuring attempts is obvious. "Organization and method" conceptions that dominate public administration have been increasingly replaced by the efficiency management conception of the business world which works through "total quality" and "customer satisfaction" goals and is based on the participation of shareowners; the citizen who has a growing role in management and whose expectations rise has been viewed as the "customer", and the activities of public administration agents have been accepted as "services" whose quality standards need to be improved continually.

Although this can be considered as the victory of the economy on politics in one sense, on the other side of the scale are citizens' participation, rule of law, effective democracy and an enriched public sphere and an environment of regained political legitimacy and confidence as a result of all these.

The development of information and communication technologies have on the one hand increased the ability of economic activities to move through global networks, and accelerated a process which presents fresh opportunities in terms of the participation of individuals in governmental processes by enhancing their ability to access information and communicate on the other.

The process at issue has positioned the state as an institution offering high-quality services to the citizen as part of the governance conception and has enabled this positioning to become more "realizable" through information and communication technologies that play an important role in the aforementioned global development. As such, the development of information and communication technologies, and the global communication network known as the internet in particular, have paved the way for the emergence of a model that will improve the governance process, render public administration effective and efficient and present new opportunities for participatory and active democracy. The name of this model is "e-state".

E-state is related to a set of concepts such as "e-governance", "e-citizen", "e-democracy", "e-voting" and "e-publishing" (2) in general. The process that results in the bringing together of "electronic" and "state" has in fact started not with the proliferation of information and communication technologies but with the use of media from newspapers initially to radio and televisions as a policy-formulating environment. In the same way communication is a part of politics, it is inevitable for the ever-expanding media to appear as a venue of politics (3).

Leaving aside the historical ties between media and politics, opportunities presented by the media, and the television in particular which has reached out to the large segments of the society, for the participation of civil society in government and for democracy have been debated since the 1970s. "Teledemocracy" (4) is based on the idea of the public redesign of television primarily as a tool of mass communication to maintain the flow of information and transparency in governmental processes and over time to assume the role of the former "agora", that is the city square.

This system in which citizens' right to watch processes like sessions, meetings and the like of concern to themselves is envisioned, public broadcasting is aimed to be an instrument serving democracy. Despite that this idea has lost popularity with the advent of the internet which is a much more interactive medium, this idea is still debated since television is still the most widespread type of media and as digital technologies allow a certain degree of interaction.

The development of information and communication technologies, and the proliferation of the internet in particular, have once again brought the relationship established between media and democracy on the agenda, opportunities presented by the decentralized structure that is in the nature of the internet and by its interactive dimension in terms of governance-based participatory democracy are being debated.

In these debates, the fact that the interactive dimension contained in the internet allows the formation of communities in the "virtual" world just like in the real world has had a considerable role. Through these "virtual communities", new civil society organizations emerged centered around common interests and expectations, facilitating the circulation of detailed information, which undertake effective and influential activities on numerous issues such as rights and freedoms, development projects, governance platforms and corruption monitoring. (5) Through the interactive and decentralized structure of the internet, the organizational and activity capabilities of civil society have enhanced; the influence and scope of this organization and activity have extended on the national and international levels owing to the transnational structure of the internet.

The final objective of the e-state as a governance model is "e-democracy". Within this context, the e-state conception is perceived as something beyond presenting "high-quality services" to citizens viewed as "customers" through influential, efficient and low-cost processes to be considered as the best way to "offer each citizen enhanced opportunities to participate in the democratic process" and to "enable the government to access the views, knowledge and experience of the people it represents" as a compulsory result of its being an effective governance process.

Despite that the legitimacy crisis, also labeled as the "democracy crisis", which emerged with the decline in confidence in the political system and the resultant dramatic decline in participation in elections and political activities undoubtedly have significant roles in this approach; the fact that the internet offers possibilities to enrich democracy stands independently of this conjuncture.

"Perhaps the most democratizing aspect of the internet is that it enhances people's ability to organize themselves into groups and to communicate. Within the context of free electronic assemblies and unions, citizens will obtain new possibilities to participate in and have a say-so on politics, governance and society. Within the following ten years, those who play an active role in the development of the internet and in the institution of democracy will also have the chance to plant the seeds of "democracy online" in the next century. Just like in the building of a modern nation, elections held today, ideals defended, rules accepted and expectations that originate will determine the next generations' opportunities for democracy advocacy" (7)

The full accomplishment of the e-democracy objective of e-state is primarily dependent on the spread of information and communication technologies to the whole of society in a just and equitable way to meet the essential

representation criteria for a democratic society.

The inequitable distribution in access to information and communication technologies regarded as the "digital divide" is the foremost obstacle to the realization of the e–democracy ideal just as much as it is an obstacle to the full functioning of e–state mechanisms. Unless effective solutions to this problem are devised, it is apparent that both the public administration structure desired through e–state and the e–democracy ideal will create an unjust situation, which will benefit nobody except for a handful of "information elite" and will deepen the democracy crisis.

The e–state model is an efficiency management system in which citizens are seen as "customers" and public administration activities as "services", "quality/cost performance" criteria are applied, and is the best quality service through the lowest cost and lowest amount of labor are aimed at. This new public administration model in which public services will be offered on the basis of the "seven day / twenty–four service" approach of the business world, will be customized for individuals and will be fast and effective will only be possible through information and communication technologies which are building blocks of network economies.

"Information and communication technologies and the government, or public administration, are intensely intertwined. The nature of public administration explains this situation, because the fundamental process in public administration is to process information and communication. Hence, the principal technology of our era affects the center of government. The effect of information and communication technologies on government and public administration is revolutionary for this reason (...). Public administration uses information and communication technologies for internal organization, functioning, procedures, policy formulation and application, monitoring and supervision purposes and for providing information to citizens and societal organizations. Public administration views these technologies also as an object of legal arrangements and policy production at the same time." (8)

Use of information and communication technologies in public administration facilitates lower costs, better quality services for citizens and sustainable resource management on the part of the government, and means lower "citizenship costs" (time, labor, money), higher satisfaction, more active participation and more confidence for citizens.

The paradigm shift concerned can be understood more clearly when we extend and apply the logic (9) of a table devised by the Strategic Governance Forum which works as part of the OECD comparing traditional / electronic methods in the taxation system in e–state applications to the e–state model at large:

Traditional State E–State

| Traditional State | E–State |
|---------------------------------|--|
| Passive Citizen | Active Citizen–Customer |
| Paper–based Communication | Electronic Communication |
| Vertical/Hierarchical Structure | Horizontal/Coordinated Network Structure |

| | |
|--------------------------------------|--|
| Information Load by the Government | Information Load by the Citizen |
| Employee Response | Voice-mail, Call Center etc. |
| Employee Assistance | Self-Help, Expert Assistance |
| Employee-based Supervision Mechanism | Supervision Through Automatic Information Update |
| Cash Flow/Cheque | Electronic Fund Transfer |
| Uniform Service | Customized Service |
| Ad Hoc/Interrupted Service | Comprehensive/Uninterrupted/One-stop Service |
| High Operation Costs | Low Operation Costs |
| Inefficient Growth | Efficiency Management |
| One-Way Communication | Interaction |
| Citizen Relationship | Participation Relationship |
| Closed State | Open State |

When we extend the comparative table above to the society, there lies the "closed society" in the "traditional" column of the equation made up of individuals in citizenship, even "subject" relationships "content with what is offered" whose signs can be traced back to Ottoman times, there is the "open society" in the second column which describes the paradigm shift made up of participatory individuals who share information, hence power.

E-state projects (10) which are introduced by such attractive slogans as "government at fingertips" or "the state one click away" try to realize the goals of online access to information primarily and later on the online execution of public operations through state portals which connect public administration agents and other organs of the state, and focus on the development of e-voting systems which mean electronic elections in the long-run.

One of the most important hurdles before the expansion of the e-state model is, as mentioned above, the "digital divide" problem which directly affects the global development of e-commerce and can create much more serious problems in the public sphere. (11) The inequity in fast and cheap internet service provision accessible by all experienced at national and international levels which can deepen threatens the democratic and just development of e-state projects.

Governments and inter-governmental organizations dedicate a large amount of their work on both e-state and e-democracy and the development of e-commerce to the prevention of the "digital divide" problem. (12) While short-term proposals for solution include the provision of internet services at public places like libraries and schools to increase popular access to the internet and the establishment of public access points, in the long-term, the focus is on sufficiently investing in the infrastructure of information and communication technologies and making internet

access cheaper to make it available for anyone. (13)

However, the principal approach toward the digital divide problem both at the national and at the international levels is the developing trend in the direction of integrating information and communication technologies into society through participatory social and economic policies within the framework of a sustainable development program upholding public benefit. The success of this effort depends on the involvement not only of developing countries but also of developed countries and international institutions. Because the dynamics of social and economic development too are under the direct network influence of globalization just like the development of information and communication technologies.

The fundamental priorities of the national "e-strategy" (14) the e-governance model necessitates for developing countries can be summarized as follows:

- Policy formulation, legal regulation and strengthening preparedness for the network structure;
- Enhancing connection facilities to increase access and reduced costs;
- Enriching human capabilities and expert potential through strong education programs, encouraging applied learning to improve user culture and computer literacy;
- Providing incentives for participation in global e-commerce and in other e-networks
- Placing citizens, civil society and the private sector as joint owners of the e-governance model with a community-based participatory approach

A development based e-governance model can only be realized through participatory approaches, on the basis of multi-party ownership and cooperative partnerships, horizontal coordination and local and regional measures.

Within this context, the "economic basin" concept comes to the forefront. This concept, which is very important as far as regional development strategies are concerned, expresses a regional structure centered around an economic organization which can maintain integrity within itself and stand on its feet just like natural and cultural basins offer an integrated system. Economic basin is a regional formation determined by economic sufficiency and efficiency criteria and operates on the basis of horizontal coordination.

It is known that regional development strategies require decentralized and hence more effective horizontal coordination. Because development can only acquire a permanent speed if it is activated by the internal dynamics of the region. In this framework, the e-governance model, by facilitating the flow of information and effective communication required by horizontal coordination, can turn economic basin formations into the main actors of regional development dynamics.

Because, e-governance renders the "becoming an information society" homework, which can turn into a boring sermon after endless repetitions, meaningful and represents a new and different trend toward achieving this for all parts of society. However, the real problem is the not-so-easy pronunciation of decentralized government structures when the "state" is the issue with the same ease when talking of "becoming an information society", "the use of electronic commerce for development purposes" or "extending the internet to the entire country".

Both e–state and e–governance models which is located one step ahead of that need a real paradigm shift in the conception of government. The chief dynamic of this paradigm shift is to share information, hence power, to enable participation and to transfer to the decentralized horizontal coordination structure.

Legal Infrastructure of the E–Governance Model and Freedom to Access Information As A Priority Principle

To attain the e–state, developing the legal and institutional infrastructure in an appropriate way simultaneously is an imperative just as much as developing the technological infrastructure. In order for the state to establish an electronic operations network at the service of citizens, it both needs to form the legal infrastructure by introducing necessary changes to cover such direct operations like electronic signature and electronic agreement, protection of private data, national data security, guarantees on the freedom to access information; and on general areas like protection of intellectual property, consumer rights, law of procedure, penal code, tax code and tender law; and needs to activate the institutional infrastructure that will make e–state possible compatible with this legal framework.

Information and communication technologies, beyond their use for restructuring public administration, have given way to the need for numerous legal regulations in main areas such as personal and institutional communication, electronic commerce and electronic business. There is a need to either introduce new legal regulations in many new spheres from protecting the consumer in the electronic arena to regulating electronic payment systems, from the responsibilities of internet service providers to regulations regarding information transmitted on the internet, from crimes like unauthorized access to computer systems to spreading viruses; or to update existing laws for this new situation.

It is observed that the use of information and communication technologies in public administration as well creates the need for additional regulations. In matters not directly related to these technologies, for instance regulating tender laws on public procurement in a transparent approach compatible with the e–state model or introducing amendments in public administration codes to make increased participation of citizens possible in a way that enhances the e–governance potential are only some of these. We will try to outline the legal infrastructure necessary for the e–state model to be established in a table which is applicable in general yet customized for the specifics of Turkey: (15)

| Legal Infrastructure of the E–State Model | | |
|---|---|----------------|
| Direct | Indirect | Private |
| Regulations on freedom to access public information (Information Freedom Law) | Constitutional amendments (amendments that will prepare the ground for fundamental rights and freedoms such as freedom of expression, freedom to access public information, protection of | |

| | | |
|---|---|---|
| | private data) | |
| Regulations that will assign a legal identity to electronic documents and communication (Electronic Signature Law, formation of approval institutions, electronic notary-public); introducing necessary amendments in the law of evidence and proof (law of procedure) compatible with this | Regulations in tender laws that will maintain transparency and enable the use of the electronic arena for this | Introducing the necessary amendments in law number 3046 regulating the organization of ministries and law 3056 regulating the structure of public administration |
| Regulations on the protection of private data (Private Data Protection Law) | Specific regulations within the scope of privatization (regulations on the privatization of Telecom and on national information and communication infrastructure) | Necessary private institutional arrangements and decision for the e-state model to flourish (like BTYK, Kamu-Net Üst Kurulu); decisions regulating the horizontal relationship and coordination between public institutions and organizations |
| Regulations protecting intellectual property rights | Updates in the Election and Political Parties Law concerning the use of technology (e-counting, e-vote etc.) | Enacting the Information Personnel Law |
| National Information Security Law securing confidential state information and introducing limitations and standards on what types of information can be shared and what cannot | Decisions and policies to provide incentives for the proliferation of information and communication technologies and to preempt the digital divide | Specific regulations on information centers and services |
| Provisions in Penal Code and Law of Penal Procedure regulating information and communication crimes respecting individual rights and freedoms and compatible with international laws | Updates to regulations on local administrations securing the decentralized structure and increasing citizen participation | |

| | | |
|---|--|--|
| Updated Consumer Protection Law that will determine the procedures and principles of electronic agreements and cover such issues as service, product returns in electronic transactions | Regulations on new financial tools like electronic fund transfer, e-money etc. | |
| Updates in taxation law tailored for e-commerce and regulations permitting the use of new technologies in tax collection | Re-regulation of "Printed Writings and Pictures Regulation Law", "National Library Law", "Public Accounting Law" and "Moveable Property Regulation" | |
| Updates in Customs Law permitting the use of new technologies in product deliveries and clearances | Decisions that will provide incentives for transformation to electronic communication from paper based communication and encourage conservation in public administration | |

There are certain principles that need to be maintained in the formation of the legal infrastructure that will prepare the ground for e-state. These principles are, in general, those constitutional principles a state where respect to fundamental rights and freedoms and the rule of law reign. Alongside this, maximizing citizen participation, developing a structure which will allow decentralization and horizontal coordination between public bodies, providing autonomy for local administrations, policies that will prevent the digital divide like spreading information and communication technologies and enabling public access; that is political principles that bestow a meaning to the e-state model, should be decisive in the formation of the legal infrastructure concerned.

Regulations mentioned above need to be developed in harmony with each other simultaneously in general. For instance, it is obvious that the electronic signature law cannot be applied without regulations on electronic approval institutions are complete. (16)

It is said that the most important legal regulation for realizing the e-state is the "Electronic Signature Law". In technical terms, this might be true. Because, in order for the technical infrastructure of the e-state to form, the necessity to confer a legal identity to the electronic arena where all the information flows is apparent. However, e-state is not only a "technical" state but also one bound by the rule of law.

According to us, the real priority in the legal infrastructure of e-state, in terms of principles, is the "Freedom of

Information Law" which guarantees citizens' and civil society institutions' right to access public information. Access to public information is a right guaranteed first and foremost by Article 19 of the Universal Declaration of Human Rights (17) and many transnational documents and as such it is an issue of international law. This right is also one of the fundamental rights and freedoms protected by the constitution.

Freedom to access information is essential for the democratic participation of citizens in government. Because, as mentioned earlier, "sharing information is sharing power". Protection of the right to access public information is also protecting transparency in public administration.

However, this protection unfortunately proves to be insufficient, and governments try to make public information inaccessible for a variety of reasons. This attitude of secretiveness, which is the imposition by the state of a relationship on the basis of subjects as opposed to citizens and an indication of the state's way of championing itself, is generally justified through "sensitive" reasons like "national security" and it in fact becomes one of the most fundamental expressions of "mistrust to citizens".

It should be kept in mind that this secretiveness attitude enables the sustenance of relationships based on corruption fostered by interest groups within or outside the state. Decisions or tenders vital for the public are made behind closed doors in a way that blocks auditing by citizens. The resultant landscape in the country is that of a dark landscape whereby the central authority loses its influence under its fallacy of powerfulness, public administration becomes estranged from the public and paralyzed under various conflicts of interest, the society is increasingly plunged into one economic crisis after another due to corruption and the public loses its confidence and hope. Unfortunately, this landscape is quite familiar to us.

For this reason, an increasing number of countries try to protect the right to access public information, which the constitution remains inadequate to protect with private laws. In more than fifty countries (and in the European Union as well), these laws have either been enacted or submitted as drafts. (18). These laws are generically labeled as "Freedom of Information Law".

Freedom of Information Law will define the issues of what types of information need to be assessed within the scope of "national security", the declaration of what types of information might constitute drawbacks in terms of public "health and tranquility" and restriction of access clearly and set the standards consistently with international norms; access to public information will be removed from the sphere of authority of public administrative units and the right to judge will be completely transferred to the independent judiciary and hence the freedom to access information will have been protected by the rule of law.

Freedom of Information Law can only be enacted through the existence of political will in participatory democracy and determination. A law enacted with considerations of not being isolated in the international community and of upholding image will most likely be inapplicable. Indeed in some countries, despite that the law has been enacted, either demands by citizens or civil society institutions to access information are delayed or entangled with bureaucratic procedures, or certain public administration functions are privatized or transferred to foundations and the like to exclude them from the scope of the law, or governments are inclined to sell information at very high prices

to make them inaccessible and undertake efforts to undermine the law. (19) Thus, the prospective law needs to be as much clear and concise as to hinder such efforts.

When we look at our country through the lens of the setting mentioned above, it is seen that there is still much work to do. No measures have been undertaken except for some amendments in intellectual property law and consumer protection law. Protection of Private Data Law is still a draft. In a while, there are reports of a law regulating e-signature in the press. (20)

Freedom of Information Law is still at the stage of being pronounced (21). However, some worrying developments that are at odds with the rule of law conception outlined above seem to be on the horizon. "National Data Security Draft Law" prepared by the Chief of General Staff is a draft that attempt to relate almost all public information, even all spheres of application of new technologies, to the concept of "national security". Even though the draft has yet to be handed over to the parliament, it can be perceived as a sign that the prevailing mindset is not conducive to the e-state for the time being.

However, regulations on information security in fact need to be presented in a legal framework classifying sensitive information about national security by taking into account international standards and the requirements of the modern world; and it should not be deemed as an instrument of hiding information from citizens and turning the state into a closed circuit.

Another extension of the mindset that prevails in the "National Data Security Draft Law" is attempts to include the internet within the scope of Radio Television Higher Committee draft law that was brought to the agenda in the spring of 2001 and to impose certain supervision mechanisms that apply to the press; despite that the draft was rightfully vetoed by the president on the grounds that the decentralized and interactive nature of the internet cannot be regulated in this way, the parliament has re-enacted it verbatim.

Although some regulations about the legal infrastructure mentioned above are brought before the attention of the public, as they are dealt with within the scope of the "eEurope+" program, it creates the suspicion that most of these are done with a view to joining the EU rather than for the benefit of Turkey and the Turkish people just like it is the case with many other issues related to fundamental rights and freedoms. Regulations such as these are made for the benefit of the public, not for being able to join a supranational union for this or that reason.

However, the flourishing of a legal setting between the internet and law that is democratic, consistent with the international level, appropriate for national interests and adhering to the principles of the rule of law is an imperative for the type of internet that is conducive to improvement which is very important in order for Turkey to become an information society.

Again due to the transnational structure and interactive nature of the internet, it looks inevitable for states to cooperate with civil society institutions and sector based and industrial unions in legal regulations on the internet and their activities by upholding democratic participation covering all the interested platforms for a healthy development environment to be created. Since the development of the internet both to this day and beyond depend on the

dynamics of user interaction and the entrepreneurial pursuits of the private sector.

E-Governance Model and the E-Turkey Goal

In accordance with the eEurope+ Action Plan to which Turkey has committed itself to participate with the National Program, the e-state model increasingly evolves towards further enhancing e-democracy facilities and e-governance applications. This framework brings a decentralized governance paradigm to the forefront.

In our country, the transformation to one-stop / one-address services offered by the e-state model in the West is generally misunderstood and it is confused with the ever desired "perfect centralism". The "one stop" concerned is simply a portal structure enabling access to free public services well-coordinated by vertical and horizontal layers, that is it is a "user intermediary" enabling access to the functions of autonomous but concerted units. What makes this portal possible is not the sanction power of the Prime Ministry or some kind of an "Information Society Ministry". Conversely, it is the effectiveness of concerted and flexible decentralized structure of many public administration services tailored for the needs of citizens or the business world as a result of horizontal coordination in accordance with the e-governance model conception.

Establishment and functioning of such a structure without maintaining the participation of the largest segments, without devising projects each of which is activated by the coordination of owners representing different segments of society and without participatory policies produced by a political authority that is strongly committed to e-governance is impossible.

The approach to information and technology policies expressed in the "Information Society and e-Turkey On the Road to the European Union" report by the Association of Turkish Industrialists and Businessmen is striking: "Success stories of local firms which attained prominent positions owing to their products based on Research and Development should be examined. Under what conditions have products whose technology in the electronics field is exported emerged, how have automobile products designed and produced in Turkey to be exported to the whole world been able to emerge? Most likely, it will be revealed that all of these have flourished in settings whereby policies have been formulated based on correct forecasts and without interruption in the application. Hence, Science and Technology Policies of the country lead and commission and strike as the highest level factor in the distinction between success and failure. These policies are too important not to be left to the monopoly of one or two of the joint owners. They need to be determined in a setting where all owners are represented and decisions are taken on the basis of national consensus and reconciliation. Application on the other hand needs to have the quality of a state policy and needs to be distanced from momentary political influences. An autonomous institutionalization to assume this duty including all the owners needs to be realized without delay." (22)

The wide membership institutional structure the Technology and Quality Management Commission proposed for the "e-Turkey" process based on the TUENA report can be taken as an example and improved by enriching its participation and horizontal coordination dimensions: "Forming a reconciliation platform in which there are civil society institutions closest to the society on the one hand, Turkish Academy of Sciences which is the most competent scientific community of the country on the other, and in which the state will be represented by such

organs as State Planning Institution, Telecommunication Institution and Turkey Scientific and Technical Research Institution...". (23)

E-Turkey can only grow from below with its own internal dynamics and can only come into existence within a decentralized horizontal coordination structure. The duty of the state is to make horizontal communication possible and to actively participate in a coordination movement that transcends itself and a reconciliation platform with a wide participation base.

Public administration restructuring program needs to be devised in accordance with participation and development based e-governance strategies in this field taking into account conditions unique to Turkey. There are two different levels of reality before such a program:

- Taking gradual steps to putting in place an extensive e-state model altering all public administration; and structuring this in line with European Union norms and "eEurope+" action plan
- By correctly identifying Turkey's priorities, forming a decentralized, horizontal coordination based foundation protecting national interests and public benefit at the highest level, least dependent on imported technology (by developing an open coded and flexible infrastructure strategy), within the framework of national policies containing precautionary measures against the digital divide, in line with regional development goals, with small scale, rapidly measurable, forecast-based and flexible pilot projects easily connectable with each other in a dynamic way.

These two different planes of reality, which are like the two pans of a scale and which need to be balanced off should be developed simultaneously toward each other and meet at the most efficient setting. Both are issues of national policy and require political will. If there is a need to start from somewhere, then starting from below is the best course. An e-governance project that melts e-state and e-democracy within each other would yield no result. As technology develops, demands and expectations diversify and as conditions of manageability alter, this project will be renewed. What is important for the political authority is to catch this paradigm shift and not lag behind reality.

As in the development of e-state models in the West, directly following the "legal, institutional and technological infrastructure", "information-interaction-operation" and "extensive, complementing all public administration units, one-stop virtual state" stages respectively will not be too realistic for Turkey.

We have to proceed with jumps. Furthermore, in doing that, we need to minimize dependency on imported technology, enable public employees and citizens to demand and internalize the e-state model in their consciousness and preempt the digital divide within the country.

The development-based and participatory public administration strategy proposed for Turkey while upholding the healthy functioning of the integration process with the European Union and the correct adoption of the model on the hand and internalizing the extensive "e-Turkey" project with a determined political will on the other; and at the same time developing, decentralized, expanding from below to the above and flexible pilot projects permitting horizontal coordination both in order to seize the manageability advantage of small-scale projects and to be able to place the e-state model on the agenda of the public sector as well as of the public.

Priority in these projects should be assigned to the most needy segments and regional developmental goals. Success of these projects will both provide for rational resource management by increasing the possibilities for external funding and create the opportunity for exerting pressure on the government by attracting public opinion. At the same time, such sample projects, which can be completed relatively shortly, will contribute to the consolidation of political determination on the part of citizens and create a circle of confidence around the proposed public administration restructuring program.

Among regional development plans, the concept of "economic basin" rises to prominence as an alternative government method. Inspired by the self-sufficiency of the ecosystems of natural basins, (like water basins) it offers a regional government model whereby the economic authority of investment and auditing is emphasized rather than administrative and political authority in accordance with the economic sufficiency principle. (24) In the economic basin model, the basin region is chosen along the lines of economic sufficiency criteria, economic, social, cultural and developmental goals are identified centered around jointly determined policies and all local administrative units within the basin actively participate in both policy formulation process and in the application process.

Economic administrative units of the basin like "Basin Parliament", "Basin Council", "Basin Union of Municipalities" will directly participate in the regulation of economic activities such as planning the basin, identifying investment projects, creating funding sources and the building and application of investments within the present administrative structure without intermediary levels. This system offers unique opportunities for effective regional development management in a fashion that does not contradict with Turkey's unitary state structure. (25)

Economic basin management model strikes as a significantly effective platform as far as e-governance projects are concerned. Since horizontal communication possibilities in this model penetrate the foundation of the success of governance through the participation dynamics they create.

In an economic basin chosen in line with the economic sufficiency principle as a pilot region, an e-governance project structured around organic agriculture, environment, culture, tourism and other alternative opportunities for making a living can score quick success within the framework of the horizontal coordination system mentioned above and through correct resource management. Such a project can create dynamics similar to the positive contribution of the decentralized federal government system in India to sample projects. This model in itself can become the subject of a regional development program and presents unique communication opportunities with the paradigm shift it represents.

Apart from this, again among local applications, assigning importance to such local e-governance projects as city information centers, private education and health measures, community based city forums, virtual city assemblies, public access points directly manageable by municipalities and successfully integrating this approach into the overall local administration program appears as an imperative. Such a program, which will be attributed to the public before elections, should definitely be supported by pilot projects. Suitable conditions exist for this.

Pilot project priorities in detailed e-state applications related to the central authority should also be determined on the basis of the abundance of opportunities for e-governance, basic areas like health, education and participation in

administration which concern the public the most should be chosen. Within this context, the opportunity to participate will form the catalyst for the pilot project and exert that much pressure as necessary to break the resilience of the bureaucracy.

In this sphere of activity, legal regulations on the freedom to access public information, electronic signature, protection of private data and consumer rights should be assigned priority (they should be included in harmonization packages with the European Union *acquis communautaire*) and these subjects should be excluded from the "national security" debate to the extent that possible. For this reason, a "National Data Security" law compatible with international and European Union standards correctly placing what types of information can be shared and taking the power to define this placement away from public administration units should be enacted without delay. It is apparent that no mention of e-state can be made without the allocation of information in appropriate platform.

In both reality platforms mentioned above, the participation, cooperation and coordination of civil society institutions and the private sector are essential. This will both serve as the guarantee of the success of projects and pave the most efficient way for attracting public opinion. The legitimacy of the program is in direct proportion with the wealth of opportunities for participation.

Within this context, there is a need to pass through the stages of effective democracy, rule of law, political legitimacy and an environment of confidence starting from citizens' participation in order to reach the restructuring model labeled as "public governance". It is apparent to us that that public administration cannot be transformed from above in a centralized way in its current shape. Since what needs to be transformed is the mindset itself and by its very nature, never has it been seen that a mindset inclined to protect itself has transformed only on the basis of its own internal dynamics.

Information and communication technologies that determine the technical functioning processes of the proposed e-governance model themselves dictate a similar decentralized and horizontal coordination structure with the network organization they develop. "The chief technology of our era affects the center of government as well".

The participation and development based public governance strategy proposed in this study requires a political authority determined to start from below, that is from citizens' participation. This political authority has three priority duties:

- Jointly producing policies which will constitute the foundation of e-governance model with actors from civil society and the business world
- By exerting efforts to form the technical infrastructure of e-governance, making information and communication technologies accessible to all segments of society, particularly those regions most vulnerable to the digital divide
- Again in cooperation with civil society and the business world, developing a legal e-governance infrastructure in accordance with the fundamental rights and freedoms in states bound by the rule of law

Concurrent to these priority duties, another duty that is as important is to take initiatives to make e-governance experimental through placing it on the public agenda and small scale, rapidly measurable and flexible pilot projects.

From this perspective, developing a series of interconnected pilot projects by identifying an "economic basin" in line with regional development goals seems to be a priority. Departing from an action plan centered around these projects, the e-governance strategy needs to be integrated into all layers like local administrations program just as much as into the public administration restructuring program and a set of proposals concerning technical, legal and institutional infrastructures needs to be put forward. Both at the program development stage and at the design and planning stages of pilot projects, seeking to maintain strong partnerships with civil society and business actors and the maximum level of participation are necessary. Beyond securing the rationality and applicability of the program, this will institute its legitimacy.

Pilot projects themselves will provide the best communication strategy to deliver this comprehensive program to the public. That is the success of projects will communicate the program. Up until now, this country has seen many programs, sets of proposals and unrealized projects. A program, which requires radical transformations of the type proposed here needs to be definitely experimental at the application level. All parties like community organizations, civil society institutions, local or national sector based unions which will participate in the process from the designing stages of the pilot project and define the goals of the projects with their needs will become voluntary ambassadors of communicating the program as the project takes place.

Society is always more sensitive to voices heard from within. Furthermore, leaving aside the "information society" ideal, observing that a model like e-governance, which looks like a distant dream at the moment, deems life easier for regions and segments most stranger to technology will permanently attract the attention of the public.

If communicated suitably, the comprehensive transformation aimed by a participation and development based public administration strategy can turn into a concrete experience for all segments of society as pilot projects begin beyond those who directly benefit from the projects. Concrete regional and local achievements of the program will inevitably create an irreversible demand from society.

This society deserves more than being subjects for a long time and it will only sustain that political authority into the future which sides with itself in this process.

1) Manuel Castells, *"Globalization & Identity in the Network Society," Prometheus, Vol. 4, 2000, p. 115*

2) "E-publishing", refers in particular to public administration serving the function of a publisher, an information provider and in a narrow sense, refers to the process of transformation from paper-based communication to electronic communication and to regulations on the way to conservation and efficiency by getting rid of unnecessary paper. See. Gerry McGovern, *Egovernment: Epublisher: How the Web is changing the way governments communicate with their citizens, February 2001, NUA White Paper, NUA Ltd.*

3) See. Manuel Castells, *"Media as the space of politics in the information age," The Information Age: Economy, Society and Culture / Volume II: The Power of Identity, Blackwell Publishers, 1997, pp. 313-333; when we think of the relationship of the term "media" with "mediation", it can be suggested that the media has assumed the basic*

function of mediating between the rulers and the ruled and that it is already a "political arena" in this sense. As public influence opportunities like "rating" intensify in the media, on the hand it influences government through "public opinion" and creates an important opportunity of interaction between the public and the government by being influenced by "public opinion" on the other. With the digitalization of media and the development of "digital television", it can also be considered that this interaction gives way to the possibility of a more direct way of participation. Castells evaluates this development, which he also relates to the "democracy crisis", within the context of what he labels "informational politics"

4) See. Ted Becker, "Teledemocracy: Electronic communications may permit direct democracy on a larger scale," interview: Robert Gilman, *Governance*, Number: 7, August 1984, p. 41; on developing the concept to include other electronic communication settings see. Anna Malina ve Ann Macintosh, "Teledemocracy: Energising the [new] public sphere(s), civil society and citizen activity," <http://www.teledemocracy.org/documents/wordfiles/newmedia-newpolitics.doc>

5) On the subject of "Virtual Communities" see. Howard B. Rheingold, *Virtual Communities*, Addison-Wesley, 1993; Steven G. Jones, "Understanding Community in the Information Age," *CyberSociety: Computer-Mediated Communication and Community*, Editor: Steven G. Jones, Sage Publications, 1995, pp. 10-33; Tim Jordan, *Cyberpower: The culture and the politics of cyberspace and the internet*, Routledge, 1999

6) See. E-Democracy Team – the Office of the e-Envoy (Britain), "e-Government in the Service of Democracy", *International Council for Information Technology in Government Administration*, ICA Information No:74, June 2001

7) Steven Clift, "E-Democracy E-Book: Democracy is Online 2.0," 2000

8) Paul Frissen, "The Virtual State: Postmodernisation, informatisation and public administration," *The Governance of Cyberspace: Politics, Technology and Global Restructring*, editor: Brian D. Loader, Routledge, 1997, p. 111

9) Forum on Strategic Management (OECD), *Tax Administration Aspects of Electronic Commerce: Responding to the Challenges and Opportunities*, http://www.oecd.org/daf/fa/e_com/ec_9_FSM_REPORT_Eng.pdf, p. 11

10) See for instance Access America Initiative, "Electronic Government – Serving the Public on its Terms," <http://www.accessamerica.gov./docs/access.html>; UK Cabinet Office, "E-government: A strategic framework for public services in the information age," <http://www.citu.gov.uk/publications/pdfs/Strategy.pdf> and "e.gov: Electronic Government Services for the 21st Century," <http://www.cabinet-office.gov.uk/innovation/2000/delivery/e-gov.pdf>

11) See. Sen. Patrick J. Leahy, D-Vt. And Rep. Robert Goodlatte, R-Va, "The Internet And The Future Of Democratic Governance," *Internet Policy Institute*, <http://www.internetpolicy.org/>; Dave Carter, "'Digital democracy' or 'information aristocracy'?: Economic regeneration and the information economy," *The Governance of Cyberspace: Politics, Technology and Global Restructring*, agy, pp.136-152

12) On the subject of digital divide see. OECD, *Understanding the Digital Divide*, agy; on the current national and international situation and examples see *Digital Divide Network*, <http://digitaldividenetwork.org>; for a development based strategic approach on this subject see *Markle Foundation-Accenture-UNDP, Creating A Development Dynamic: Final Report of the Digital Opportunity Initiative*, July 2001; for an example of a civil society approach see *The Public Voice, "The Public Voice and the Digital Divide: A Report to the DOT Force,"* March 2001

13) It is interesting that the importance of the welfare state concept, which is increasingly excluded within the framework of globalization by the neoliberal discourse of the "new economy" just like in financial circles, becomes uncontroversial when it comes to the expansion of information communication technologies.

14) See. *Digital Opportunity Task Force (DOT Force), Digital Opportunity for All: Meeting the Challenge, Report of the DOT Force (including a proposal for a Genoa Plan of Action)*, G8, Genoa, 11 May 2001, pp. 4-5; for detailed

information on national strategy models on the development based use of information and communication technologies see Accenture – Markle Foundation – UNDP, *Creating a Development Dynamic*, agy, pp. 32–41

15) "Legal Infrastructure of the E–State Model" table is categorized under the following headings:

Private= Private regulations unique to the e–state model to be undertaken privately to operationalize the model (absolutely necessary regulations)

Direct= Regulations which will directly affect the structuring of the e–state model once enacted, which are not solely related to the e–state, which have a more extensive function but necessary for the model to operationalize (absolutely necessary regulations)

Indirect= Either regulations like constitutional amendments which will pave the way for more extensive and direct regulations, or, regulations which will prepare the ground for extending the scope of the e–state model and the legal ground for the participatory e–governance model (like modifications that make the e–procurement system possible in tender law) (regulations that will contribute to the functioning of the mode)

16) On a general framework on e–signature and electronic approval institutions see Turkey Information Technology Foundation (TITF), *First Five For the new Economy*, November 2000, Istanbul, pp. 6–7, <http://www.tbv.org.tr>; for a more detailed analysis see ETKK Law Working Group, "A Legalistic Approach to Electronic Commerces Efforts in the World and in Turkey", <http://www.bilten.metu.edu.tr/pdf/ek3yeni.pdf>

17) "Every individual has the right to freely express his thoughts. This right requires the right to not being abused due to thoughts, to seek for knowledge and thoughts by using all available means and ways, to obtain them and to spread them irrespective of state boundaries. "

18) "Freedom of Information Act" – FOIA...On the international status of freedom of information laws see "David Banisar, *Freedom of Information and Access to Government Records Around the World*, Privacy International, March 2001, <http://www.privacyinternational.org> ; on a separate model freedom of information law model see Article 19 Foundation, "A Model Right to Information Act", <http://www.article19.org>

19) Despite that this law is not on the agenda in our country yet, some measures can constitute good examples of inclinations to restrict access to information. For instance, on the web page of the Supreme Court (www.yargitay.gov.tr), when you want to submit a query, you are re–directed to the web page of a foundation established for this purpose and face not–so–low prices. On attempts by governments restricting access to information see Alasdair S. Roberts, "Less Government, More Secrecy: Reinvention and the Weakening of Freedom of Information Law", *Public Administration Review*, July–August 2000, Volume 60, No. 4, pp. 308–320

20) See for instance "Law Being Prepared for E–Signature" <http://www.ntvmsnbc.com/news/132726.asp>; Gülden Tozkoparan, "Cost of E–Signature \$6bn" <http://turk.internet.com/haber/yazigoster.php3?yaziid=3628>

21) It is stated in the "Urgent Action Plan" of the Justice and Development Party which came to power on its own with November 3rd election that a law on this will soon be enacted

22) TÜSİAD, *Information Society and eTurkey On the Road to European Union Membership*, June 2001, Publication No. TÜSİAD–T/2001–06/301, p155, <http://www.tusiad.org/raporlar.nsf/frame1?openframeset>

23) Technology and Quality Management Committee, "eTurkey' Report, last edition on: 02/08/2001, p. 16, <http://www.edevlet.net/raporveyayinlar/eTurkiyeRaporu.pdf>

24) See "MENCEP – Great Menderes Basin Environmental Protection Project", (Project Introduction Report– see especially Chapter IV: MENCEP Management), <http://www.aydin–bld.gov.tr/mencep.htm> ; also see. "Agenda 21", <http://www.iula–emme.org/yg21/G21–info.htm>

25) Economic basin management, as much as being a measure that can be tested within the context of pilot

projects, can be transformed into a more extensive element of policy within the framework of an effective regional development strategy by a legal regulation by the political authority, that is the "Economic Basin Management" draft law

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