

ARTÍCULO DE REFLEXIÓN

The Progress of Regulation and Implementation of E-Democracy in Colombia

El Avance en la Regulación e Implementación de la Democracia Electrónica en Colombia

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Abstract: To identify the progress made for the Colombian government in the regulation of electronic democracy and the effectiveness in its implementation it is necessary to clarify the concept of electronic government and distinguish it from electronic democracy. This is because the current use of electronic government exceeds its theoretical and dogmatic limits and falls into the meaning of electronic democracy. This confusion has occurred in Colombia since the design of the first "Government Online" policy, that pursued the construction of a more efficient, transparent and participative government to citizens and companies, through the use of Information and Communication Technologies. Therefore, this confusion must be clarified, because otherwise there is a risk of mistakenly believing that all advances made in the area of electronic government are necessarily aimed at generating advances towards electronic democracy. This research article, following an analytical-descriptive method, seeks to identify if the use of ICT for the Colombian government has really improved the quality of its democracy and recognize the actions it must take to efficiently implement the regulation of electronic democracy

Key Words: E-Democracy, e-government, e-participation.

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Resumen: Para identificar los avances del gobierno colombiano en la regulación de la democracia electrónica y mejorar su implementación es necesario aclarar el concepto de gobierno electrónico y distinguirlo de la democracia electrónica. Esto se debe a que el uso actual del gobierno electrónico excede sus límites teóricos y dogmáticos y entra en el significado de democracia electrónica. Esta confusión se da en Colombia desde el diseño de la primera política de "Gobierno en línea", que perseguía la construcción de un gobierno más eficiente, transparente y participativo a los ciudadanos y a las empresas, a través del uso de la Información y la Comunicación Tecnológicas. Por lo tanto, esta confusión debe ser aclarada, porque de lo contrario se corre el riesgo de creer erróneamente que todos los avances que se realicen en el área del gobierno electrónico, necesariamente tienen como objetivo generar avances hacia la democracia electrónica. Este artículo de investigación, siguiendo un método analítico-descriptivo, busca identificar si el uso de las TIC por parte del gobierno colombiano realmente ha mejorado la calidad de su democracia y reconocer las acciones que debe tomar para implementar eficientemente la regulación de la democracia electrónica.

Palabras clave: Democracia electrónica, gobierno electrónico, participación electrónica.

Progressos na Regulamentação e Implementação da Democracia Eletrônica na Colômbia

Resumo: A fim de identificar o progresso do governo colombiano na regulamentação da democracia eletrônica e melhorar a sua implementação, é necessário clarificar o conceito de governo eletrônico e distingui-lo da democracia eletrônica. Isto porque o uso actual do governo eletrônico excede os seus limites teóricos e dogmáticos e entra no significado de e-democracia. Esta confusão tem estado presente na Colômbia desde a concepção da primeira política de "Governo On-line", que procurou construir um governo mais eficiente, transparente e participativo para os cidadãos e empresas, através da utilização das Tecnologias de Informação e Comunicação. Por conseguinte, esta confusão deve ser esclarecida, caso contrário corre-se o risco de acreditar erroneamente que todos os avanços feitos na área do governo eletrônico têm necessariamente como objectivo gerar progressos no sentido da democracia eletrônica. Este artigo de investigação, seguindo um método analítico-descriptivo, procura identificar se a utilização das TIC pelo governo colombiano melhorou realmente a qualidade da sua democracia e reconhecer as acções que deve empreender para implementar eficientemente a regulamentação da democracia eletrônica.

Palavras-chave: E-Democracia, e-governo, e-participação.

Introducción

Information and communications technology (ICT) have changed the relationship between governments and their citizens. Governmental use of ICT since 1990 generated some concepts, like digital government, online government, or electronic government. These concepts have been used to name, in a general way, the relationship between government and citizens, private industries, clients, and public institutions through modern ICT (Schedler et al., 2004). However, there is no consensus regarding the precise definition of these concepts (Cardona, 2004, p. 25), because they are used in different ways according to different writers' purposes.

In the 1990s, along with the Internet boom, some States and International Organizations began to adopt and recommend the use of ICT in government to be more efficient and reduce costs and time in the delivery of information and some services. However, "the focus has turned more recently to other good governance objectives, such as improving services, increasing accountability and transparency, and facilitating consultation and engagement" (Organisation for Economic Co-operation and Development (OECD), 2003b, p. 28)².

For example, the Organization of American States (OAS) has stated that: "Electronic government (or e-Government) is the application of Information and Communication Technologies (ICT) to government functions and procedures with the purpose of increasing efficiency, transparency, and citizen participation" (2006, p. 7). Nevertheless, from a theoretical point of view, the last elements of the definition do not describe e-government but instead fall into the meaning of electronic democracy (or e-democracy). This is because, although the notion of democracy is also quite controversial, most

academics agree that democracy is characterized by the participation of citizens in public decision-making (Lindner & Aichholzeren, 2020, p. 18). Therefore, citizen participation through ICT more precisely generate e-democracy, instead of e-government³.

It seems that the Colombian government has also confused these concepts since the first regulation adopted on the Online Government. In fact, Decree 1151 of 2008 stated that this strategy pursued, "[...] the construction of a more efficient, transparent and participative government and the supply of better services to citizens and companies, through the use of Information and Communication Technologies" (Article 2).

This confusion in the Colombian regulation requires clarification, otherwise there is a risk of mistakenly believing that the progress made in implementing e-government will necessarily generate advances in e-democracy and generally improve the quality of democracy in Colombia. This may be the reason why, regardless of all the criticisms that could be made, the 2020 e-government Survey, elaborated for the United Nations, has rated Colombia with a high level of electronic participation (United Nation (UN), 2020, p. 119)⁴.

In order to identify if the use of ICT for the Colombian government has really improved the quality of its democracy and recognize the actions it must take to efficiently implement the regulation of electronic democracy, it is necessary to: (I) further study the theoretical meaning of e-democracy (II), evaluate the regulatory framework of e-government in Colombia, and (III) identify the partial implementation of e-democracy in this country.

² For the Organisation for Economic Co-operation and Development (OECD), the electronic government is a strategy of Open Government, that is a "culture of governance based on innovative and sustainable public policies and practices inspired by the principles of transparency, accountability, and participation that fosters democracy and inclusive growth" (2016, p. 20).

³ E-government is also different to e-administration. The first one [...] is characterized by inter-organizational relationships including policy coordination and policy implementation and by the delivery of services online or through other electronic means to citizens" (Ronaghan, 2002, p. 54). While the second one "defines the intra-organizational relationships or the internal and public sector management component. (Ronaghan, 2002, p. 55)

⁴ This Survey rates the countries taking into account three variables:
E-information: Enabling participation by providing citizens with public information and access to information without or upon demand.
E-consultation: Engaging citizens in contributions to and deliberation on public policies and services. And E-decision-making: Empowering citizens through co-design of policy options and co-production of services components and delivery modalities. (United Nation (UN), 2020, p. 250)

The Concept of E-Democracy

Democracy is a wide and imprecise concept, because different researchers and politicians give it different qualities according to their purposes. This is why it is said "there is no such thing as democracy. There are only forms of government, which have a variety of characteristics that can be labeled under different groupings that define (not without controversy) distinctive forms of democracy" (Barber, 2001, p. 3). However, the vast majority of academics agree that democracy in all cases requires the participation of citizens in government, in political parties or interest groups, and in the public sphere of discussion (García, 2016, pp. 180-181).

Electronic democracy is also a changing concept. In the 1990s and 2000s, electronic democracy was focused on the direct citizen participation in decision-making processes and on the strengthening of communication to improve the political representation (Hilbert, 2009, p. 89; Romero, 2020, p. 3)⁵. However, today it is conceived in a broader way, as "the practice of democracy with the support of digital media in political communication and participation" (Lindner & Aichholzeren, 2020, p. 18; Romero, 2020, p. 6). It now includes transparency of government in the disclosure of its information, the improvement of communication and interactions between citizens and government, the citizens' control of the administration and citizens' participation in public decisions-making process through ICT (Lissidini et al., 2007, p. 78; Lindner & Aichholzeren, 2020, p. 23). E-democracy should not be confused with electronic voting (Gibson et al., 2016), because democracy also implies another type of citizen participation different than voting. Indeed, today some authors prefer to avoid the use of the term electronic democracy, and instead use the concept of electronic participation to include "all forms of political participation, making use of digital media, including both formally institutionalized mechanisms and informal civic engagement" (Lindner & Aichholzeren, 2020, p. 18).

The use of ICT in democracy could produce some beneficial effects. The first benefit is raising the level of public debate, by facilitating access to information and the exchange of ideas. Policy decision debates could be conducted by a larger number of well-informed citizens and governments should adopt decisions that most satisfy the needs of the citizens.

ICT may produce this outcome if they guarantee the conditions of an ideal speech situation, where

- (1) every subject with the competence to speak and act is allowed to take part in a discourse;
- (2) everyone is allowed to express their attitudes, desires and needs and to introduce or question any assertion whatever; and
- (3) no speaker may be prevented, by internal or external coercion, from exercising the rights as laid down in (1) and (2) above. (Neuman et al., 2011, p. 27)⁶

Nevertheless, this ideal speech situation demands that citizens from all social groups, economic levels, and ages could take part in the debates. The digital divide makes it difficult to fulfill this condition, because all people don't have the same access to digital services, they don't own the necessary electronic devices, they don't have access to internet, or don't know how to use technology⁷. In an ideal speech situation, every citizen could start a new debate that reaches all other citizens who have an interest in taking part in the debate with a constructive and polite aptitude (Neuman et al., 2011, pp. 27-34). The anonymity or quasi-anonymity guaranteed by ICT allows social minority groups to feel safe when expressing and defending their opinions, but it also favors virulence and cynicism to qualify the positions of others. Moreover, the opinions expressed by citizens in discussions on social networks or blogs do not have to respect

⁵ For example, Anne Macintosh has argued that, "E-democracy is concerned with the use of information and communication technologies to engage citizens' support of the democratic decision-making processes and strengthen representative democracy" (2004).

⁶ See: Habermas (1990).

⁷ his situation is much more common in the countryside of the States (OCDE, 2018a).

the impartiality required of traditional media. Advertising and entertainment expressed through ICT should not monopolize the attention of citizens, because if this happens, they will use it just for entertainment and not for the construction of a national debate (Neuman et al., 2011, pp. 27-34).

The second benefit allows traditional and non-traditional Social Organizations to form and incorporate new members more easily, because they can reach a bigger number of citizens and reduce the price of communication and planning activities (Bimber et al., 2009). These organizations can be trusted by citizens, because without the need to spend large amounts of money, they can keep their followers informed of their progress. Also, by closely monitoring the implementation of public programs, they can “put pressure on politicians and institutions, favoring the accountability that is essential in a democracy” (García, 2016, p. 181), as long as governments respect civil rights and open government conditions⁸.

However, just because ICT make the exchange of information easier, people will not necessarily join more social organizations or become interested in political matters (Neuman et al., 2011, pp. 27-38). The rise of social activism does not necessarily generate policy change if governments are not willing to listen to their citizens and instead choose to repress their demonstrations.

The third ICT benefit is facilitating citizens' direct participation in political decision-making in two ways that were proposed at different times in the technological era. The first way, which appeared in the 1980s, was known as Teledemocracy or direct digital democracy. It provides that all citizens could vote directly for or against a decision, recreating by modern technological means, the citizen participation that existed in ancient Athens (Van Dijk, 2012, p. 54). The second way, proposed in the 2000s, uses the methodology of mass collaboration, or crowdsourcing, to define the best policies to adopt and the best way to monitor

its implementation, with the help of comments, criticisms and recommendations made by a large number of citizens (Van Dijk, 2012, p. 59).

However, the fact that direct mechanisms of democratic participation exist does not necessarily imply that citizens from all social sectors will use them, nor that they will be interested in developing constructive participation. Indeed, it cannot be forgotten that one of the fundamental ideas of modern representative governments is that representatives should be elected to govern on behalf of citizens, because this was “the form of government most appropriate to the conditions of modern commercial societies, in which individuals were chiefly occupied in economic production and exchange” (Manin, 1997, p. 3). Therefore, although participation has been facilitated through ICT, in reality, not all individuals have the time, willingness or training necessary to constructively participate in democratic processes. Or they may actively participate in pre-democratic processes conducted through electronic platforms, but then they do not participate in the traditional elections (Rincón, 2011).

In fact, some studies have shown that, “online forums do not draw more people into these discussions than in traditional meetings with the important exception of a part of the young generation” (Van Dijk, 2012, p. 58). The low level of citizen participation in the processes of direct democracy through ICT and the almost exclusive participation of people from higher social and economic levels have led governments to ignore the results and make their decisions autonomously (Van Dijk, 2012, p. 60). Although, it seems that, “most politicians do not offer rich modes of digital exchange with their constituents, clients, and citizens because policy makers see little gain, and perhaps much risk, in that exchange” (Fung et al., 2013, p. 37). This shows that, “[...] the failure to realize e-democracy is not in the first instance a technological problem, but a political one. Solutions, for those desiring greater direct e-democracy, require political innovations much more than technological ones” (Fung et al. 2013, p. 37).

⁸ The open government is “[...] the culture of governance based on innovative and sustainable public policies and practices inspired by the principles of transparency, accountability, and participation that fosters democracy and inclusive growth” (OCDE, 2016, p. 20).

Concurrently, crowdsourcing is criticized for the construction of public policies, because this methodology, although it can be partially useful when the online collective intelligence is perfectly organized, is not advisable for opinion making. This is because, as Sunstein (2008) has observed, "group dynamics prevail in online debates. Minority opinions in online groups tend to remain silent, even when they have strong arguments while weak majority opinions are freely expressed" (Van Dijk, 2012, p. 55). Thus, it has been observed that ICT have the capacity to enable various democratic practices, such as the public debate of ideas, social mobilization and even the direct participation of citizens in the drafting or approval of public policies. However, having the possibility to do something does not necessarily mean that things will be done as planned. ICT are instruments by which citizens can more easily participate in public decision-making, but they cannot have any effect on democracy if they are not used correctly by citizens. This particular context indicates that governments cannot just make

efforts to adopt information and communication technologies to facilitate citizen participation, but that they must continually educate their citizens so they learn to use them, demonstrate the favorable results so that people are motivated to participate, and facilitate access to equipment and connectivity throughout their territory so that everyone can participate (OECD, 2003b, pp. 85-91).

Having clarified the concept of e-democracy and its uses, it is now time to review the situation in Colombia to identify the progress that has been made in the adoption of participation platforms and the citizens' appropriation of these new technological instruments. However, this study will only focus in the analysis of institutionalized forms of e-democracy and formal platforms of participation, because the Colombian government has not regulated non-institutional forms of citizen participations or informal civic engagement through ICT's.

The Regulatory Framework of E-Democracy in Colombia

In Colombia, Law 527 of 1999, which regulated "the use of electronic messages and digital signatures", was the starting point for regulating the use of electronic instruments in both public and private sectors (Barrios, 2015, p.17). After the adoption of this first law, the Colombian government has continued to make constant efforts to improve the provision of its services and communication with citizens through the use of ICT, at all administrative levels.

In 2008, fulfilling the purpose defined in Law 962 of 2005⁹, which sought to simplify administrative procedures and processes, Decree 1151 was issued in order to define "the strategies of the Online Government". The implementation of these strategies had to go through four phases: 1st - online information, 2nd - online interaction, 3rd - online transaction, and 4th - online transformation, to finally reach the phase of online democracy, in which the citizenry through ICT "should actively participate in the government decision-making and the drafting

of public policies" (Article 5). According to the same Decree, this last phase had to be implemented at the national level by December 1, 2010 and at the territorial level by December 1, 2012.

The Manual for the Implementation of the Online Government Strategy that was created to develop Decree 1151 of 2008, stated that the online democracy phase required the creation of "spaces where citizens can fully identify themselves and actively participate in the construction and/or monitoring of policies, plans, programs and legislative issues" (Ministerio de Comunicaciones, 2008, p. 28). Recommendations included the use of "tools (such as online forums and/or mailing lists and/or chat rooms and/or blogs)", the presentation of "the results of citizen participation by electronic means," and the adoption of "awareness-raising campaigns and/or virtual training initiatives in which citizens are informed of their possibilities, rights and duties with regard to participation in the

⁹ Although, before this Law, other actions for the implementation of the electronic government in Colombia were also advanced. See: Rincón (2011, pp. 130-134).

agencies' decisions" (Ministerio de Comunicaciones, 2008, p. 28).

Therefore, although the Colombian government adopted the expression of Online Government in its first regulation, in fact, the scope exceeded its limits and entered into the confines of e-democracy.

In 2012, Decree 1151 of 2008 was repealed by Decree 2693, which defined the new "general guidelines of the Government's online strategy". This decree established 2015 as the new date for the implementation of e-democracy at the national level and 2016 and 2017 for the departmental and municipal levels (Article 8).

The adoption of this new Decree led to the third revision of the Manual for the Implementation of the Online Government Strategy, that stated that online democracy was one of the components of this strategy that also required the participation of citizens in the drafting and/or monitoring of "regulations, as well as in the monitoring of policies execution and social control" (Ministerio de Comunicaciones, 2012, p. 10). It also recommended public accountability sessions and the creation of channels, such as chat rooms, telephone lines, text messages, social networks, forums or blogs, so that citizens could participate and even complain in front of control agencies (Ministerio de Comunicaciones, 2012, p. 25). In this second regulation the scope of e-government strategy also falls within the sphere of e-democracy.

Under the framework of this new regulation, important advances were gradually made in administrative efficiency and citizen services, such as the creation of the Colombian Government Portal (initially called *SI Virtual*, but known today as the *Gov.co* portal), the Single Contracting Portal (SECOP I) and the territorial portals for a large group of mayors' and governors' offices, that demonstrates an emphasis on strengthening government services and the relationship with citizens (Ministerio de Tecnologías de la Información y Comunicaciones (MINTIC), 2019a, p. 9).

In 2014, Decree 2693 of 2012 was repealed by Decree 2573, which defined the new "general guidelines of the Online Government Strategy". Decree 2573 of 2014 that was later incorporated into Title 9, Chapter 1 of Compiling Decree 1078 of 2015. This third regulation did not declare that e-democracy was one of the phases or components of e-government. Instead, the Decree states that one of the principles of the strategy is to "open up public data to promote participation, social control and the generation of added value" (Article 4). This principle must be developed through "ICT for open government" which included "activities to promote the construction of a more transparent, participatory and collaborative government" (Article 5). The new date for developing this strategy was 2016 at the national level and 2017 and 2018 at the departmental and municipal levels (Article 10).

The Manual for the Implementation of the Online Government Strategy adopted to develop Decree 2573 of 2014, stated that in order to achieve transparency, the access to information had to be guaranteed and it had to implement

permanent accountability actions to promote dialogue with citizens through the use of timely, truthful and clear information using electronic means". To achieve participation, it was necessary to "know the opinion of users on themes of public interest" and "involve users, citizens and interest groups in decision-making processes". (MINTIC, 2015, pp. 7-11)¹⁰

Although, to achieve collaboration, it had to be allowed to "build solutions to public problems or challenges through collaborative actions with users, citizens and interest groups". (MINTIC, 2015, p. 9)

In this way, Colombia's new Online Government strategy didn't mention the concept of online democracy, but of open government. Nevertheless, the purposes of the regulation remained very similar to the older one, because in both cases the ultimate goal of the strategy was the collaboration and participation of citizens in decision-making and

¹⁰ Translated by the autor.

in the control of policy implementation. Thus, the theoretical limits of e-government continued to be exceeded.

In 2018, Decree 2573 of 2014 was repealed by Decree 1008, which defined the general guidelines of what became "the Digital Government Strategy". In this Decree, open government ceased to be one of the strategic foundations, but instead the principle of proactivity was adopted, where, through the use of ICT, "the government and the citizens work together in the design of policies, regulations, projects and services" (Article 2.2.9.1.1.3). This principle should lead to informed decisions and restored bonds of trust between government and citizens.

The principle of proactivity should be implemented through the

ICT for society", which aims "to strengthen the society and its relationship with government in a reliable environment that allows for (1) openness and the use of public data, (2) collaboration in the development of products, public services, policies and regulations, and (3) the identification of solutions to problems of common interest. (Article 2.2.9.1.2.1.)

As can be seen, the latter regulation maintains the purposes of e-democracy that were adopted in 2008, although now they are framed by the principle of proactivity. This shows that since the first e-government strategy was adopted in Colombia, the government has always wanted to develop an e-democracy, allowing citizens to participate in public decision-making. However, implementation of a real e-democracy does not only require the definition of a strategy on paper or even the creation of electronic platforms that allow participation. It requires above all the massive and constructive use of these tools by the citizens, and a government that strongly encourages their use. But, the 2008 strategy has been the only one that has taken into account the need for the government to implement campaigns or design virtual training initiatives to inform citizens of their opportunities, rights, and duties with regard to participation (Ministerio de Comunicaciones, 2008, p. 28).

It is therefore time to identify what progress Colombia has made in implementing this regulation of e-democracy.

The Partial Implementation of E-Democracy in Colombia

The broad normative framework that regulates e-democracy in Colombia has been regulated by other norms to achieve its real implementation. Thus, in order to achieve transparency and access to information by citizens, which is indispensable for any participation process, Law 1474 of 2011 was adopted. This act imposes on public authorities the obligation to, "publish on their respective websites the plan of action for the following year, specifying the objectives, strategies, projects, targets, agents responsible, general purchasing plans, budgetary allocations for their investment projects and its compliance indicators" (Article 74). This provision was reiterated and completed in Article 9 of Law 1712 of 2014, including "transparency and access to information", which also imposed the obligation on public authorities to publish every contract awarded (literal e, Article 9).

In 2015, a study carried out by Gutiérrez and Católico found that the national government's 29 agencies, which at the time had their own websites, had a medium-high level of disclosure of their internal control reports. However, these agencies barely reached a

[...] medium-low level of compliance with the minimum information mandatory to be reported, both in terms of substance and form. Indeed, agencies limited themselves to report whether or not they have adopted the strategies to achieve their obligations on internal control, but did not [show] findings, progress and/or improvement strategies (p. 574).

According to the same authors, this situation was quite negative, because, "the lack of publication for public agencies of the procedures, plans and

guidelines adopted for compliance audits and internal control and the failure to publish the results or findings obtained in these processes, makes it impossible for social control to have a broad and easily recognizable understanding of the agencies' situation that allows them to verify compliance for prevention purposes or critics. So, citizens cannot develop manifestations to strengthen the improvement and/or punishment of agencies and agents (Gutiérrez y Católico, 2015, pp. 568-569)¹¹.

At the level of Departments and Municipalities the situation does not seem any better. To improve this situation the Colombian Government, through its unique website www.gov.co, in its *Territorial* button, is supporting the development of each of the territorial websites, under an open government concept. Through this new tool it is possible for the authorities to publish internal control reports and citizens could review contracts in the process of being signed or concluded by territorial agencies, following the link to the Single Contracting Portal (SECOP I - <https://www.contratos.gov.co>)¹². Citizens could even give opinion on these contracts. However, there are still a significant number of territorial agencies to be registered and the information on many of the registered territorial agencies is still incomplete, which prevents proper access to the information and defeats the citizens' opportunity to ask questions or make recommendations. For example, by November 2020 only 10 of 32 Departments, 21 of 32 Departmental Assemblies, 939 of 1.103 Municipalities and 603 of 1.103 Municipal Councils were enregistered on the portal <https://www.gov.co/territorial/>.

As a result, although the Colombian Government has adopted a broad regulatory framework and has created websites to inform citizens about its administration, in practice it has not completely fulfilled its transparency obligation, because it has not guaranteed the proper access to its information.

The two biggest weaknesses the Colombian government must face in order to realize an e-democracy are citizen collaboration and participation in decision-making. This is due, firstly, to the fact that the Manuals for the implementation of digital or online strategies have only determined how the ICT, citizens participation and collaboration should be defined in the policies and programs. So, in fact each agency of government has the possibility to define precisely how and in which process citizens can participate and the effects that it will generate¹³. But the Manuals have not created a mechanism to guarantee that those policies and programs will be efficient.

Important initiatives have been taken to try to improve this situation¹⁴. Among the most important is the creation of the website www.urnadecristal.gov.co, where citizens can interact with the national agencies on the precise issues defined by the government, though people could also propose them. However, citizen participation is still low, the platform does not show which social sectors are participating and according to the comments made, many people do not propose precise changes to policies or programs, but simply express their agreement or disagreement with them. The OECD considers that the limited success of this platform is due to the fact that these initiatives "are largely driven by public institutions and do not consider facilitating a more active role for citizens or civil society organizations" (2018b, p. 21). More detailed studies on citizen participation through this website should be carried out to better identify its utility.

Secondly, Article 2.1.2.1.14 of Decree 1081 of 2015 states that in order to guarantee citizens' or interest groups' participation in the regulatory drafting process, through opinions, suggestions or alternative proposals, the ministry or administrative department that leads the regulation process must publish in the Transparency and Access to Public

¹¹ See also: Hernández & Flórez (2013).

¹² This website has not ended the irregularities in the public contracts in Colombia. See, for example: Serrano et al., 2016; Ayala et al., 2017.

¹³ Thus, the last e-government Manual only states that "[...] the agencies must guarantee the involvement of users in the design, execution, monitoring and feedback phases of projects, so that their needs and interests are those that guide the development and use of technological solutions" (MINTIC, 2019, p. 34).

¹⁴ For example, Electronic voting was regulated in Colombia, but has only been implemented for a few elections of representatives at the municipal level, in small municipalities, or for internal consultations of political parties. See: Padrón, 2019, pp. 232-234.

Information section of its websites, the specific regulatory projects prepared, for at least 15 calendar days, before being sent to the Legal Secretary of the Presidency of the Republic for signature.

For example, to fulfill this duty, the Ministry of Information and Communication Technologies published a draft decree on its website for three weeks so that any interested citizen could consult the document and send their comments by e-mail. The goals were to "improve the final text and have a regulation that meets the people's needs and expectations" (MINTIC, 2019b). All the comments were published together with the Ministry's legal, technical and financial evaluation of each of the comments. This report accepted some recommendations and explained some modifications that were finally included in Decree 620 of 2020 (MINTIC, 2019b). However, only about 100 people participated in the process, mostly representatives of public or private sector organizations, and on several occasions, they did not make recommendations but just expressed their opinions or posted questions.

This exercise has been carried out by many other national government agencies, but it has not always reached a high participation level, sometimes due to the very short timeframe given for comments, where it was not possible to receive a single observation¹⁵. According to the OECD, this result can be explained by the digital divide (2018b, p. 67)¹⁶ and by the lack of a precise government policy that seeks to instruct citizens to become active participants in these processes and show them the benefits of their participation (2018b, pp. 22-69).

The low interest of Colombians in public participation can also be observed in the few civil society initiatives that use ICT to independently inform citizens about the actions or omissions of the government and its agents or that seek to mobilize the masses or create pressure against the government. In response, some important initiatives have been taken by media companies or journalists,

such as *Cuestión Pública* (www.cuestionpublica.com) or *Trabajen Vagos* (www.trabajenvagos.com), or by important universities in the country, such as *Congreso Visible* (www.congresovisible.uniandes.edu.co).

Thirdly, the government created the possibility to define part of the Municipalities' or Districts' budgets through a process of citizen participation. This possibility was initially formed in Law 1551 of 2012, entitled "modernization of municipalities", which stated that the Municipal or District Councils "in order to support social investment in the Communes and localities, could adopt a participatory budget process that allows citizens to deliberate and decide on the distribution of a percentage of the municipal budget" (Article 40). Later, this provision was developed and specified in Law 1757 of 2015, which addressed "democratic participation", and stated that the percentage of the municipal budget that could be defined through participatory process should be defined autonomously by the same municipality, in accordance with the objectives and goals of its Development Plans (Article 100). The Ministry of Information and Communication Technologies issued the Guidelines for participatory budgeting using electronic means to guide these process (MINTIC, 2017).

Only a few of these participatory processes have been carried out in the country, but the result in the city of Medellín is quite illustrative¹⁷. It shows that while in 2017 only 42,879 people participated in the process, in 2018 the participation increased to 74,137 people, which barely represents about 5% of the city's electoral roll. Moreover, the results of the 2018 exercise show that only 35% of the participation was virtual and the largest population group that participated was adults, with 43%, while young people only participated in 28%. Also, the sectors of the city where there was more participation, both virtual and in person, were those of a lower economic level, with the exception of commune 16 (Alcaldía de Medellín, 2019).

15 See, for example: Departamento Nacional de Planeación (DNP), 2015.

16 To know Colombia's efforts to reduce the digital divide, see: Chacón et al. (2017). For all the efforts that remain to be made, see: OECD, 2019, p. 55.

17 Although, other significant efforts have been made in other regions of the country to define public policies with the participation of citizens. See, for example: Bermeo et al. (2018).

This shows that the Colombian government has high ambitions for e-democracy, but in fact those aspirations have not been met. This is due, on one hand, to the fact that several of the citizens' participatory platforms that have been conceived by the government are not yet ready or completely operational. On the other hand, citizens have not massively used the participatory platforms that are already working. The lack of participation is due not only to the lack of electronic equipment and Internet access for a large sector of society, but also to the lack of public campaigns to teach citizens how those

platforms work and the benefits of participating in these exercises. Therefore, it could be said that the large investments made by government in its e-government strategies have not necessarily improved the quality of democracy in Colombia, because most citizens have not assimilated these new participatory ways and they are not using it. So, the government should invest both in creation of electronic platforms and in educating the citizens about how it works and why they should want to use it.

Conclusion

Electronic democracy does not depend exclusively on governments, but they have to make the greatest effort to produce it. Because e-democracy is linked to extensive and constructive participation of citizens from all sectors of society, it is necessary that governments not only create electronic platforms through which citizens can participate, but it also requires that people are aware of these platforms, they wish to participate fully and constructively through them, and they can easily identify the benefits that their participation generates for them and for society. This means that governments must not only make great efforts to create electronic communication and information channels, but they must also make great efforts to show citizens these mechanisms, teach them how to use them, show them the results and transparently execute the decisions that were democratically adopted.

Although the Colombian government has made great efforts to define a public policy that allows citizens to participate in political decision-making through electronic tools, it has not made as much effort to publicize these instruments, teach citizens how to use them or encourage their massive participation. Colombian government should increase its efforts in the latter aspects, because citizens do not trust democracy nor traditional mechanisms of participation. That is why, according to the Latinobarómetro, 50% of citizens think that Colombia is a democracy with huge problems

and 8% think that they don't live in a democracy (Corporación Latinobarómetro, 2018, pp. 33-34) and just 22% of people have confidence in the government and 20% in the Congress (Corporación Latinobarómetro, 2018, pp. 52-54).

Belief that the mere implementation of electronic platforms would automatically produce massive citizen participation in democratic processes, ignores the way many citizens see themselves vis-à-vis the government and the role they believe they should play. In Colombia, like in other Latin American countries, many citizens think that democracy is exclusively delegative, and thus believe that their role in government is just limited to the election or re-election of representatives (O'Donnell, 1994; Pérez, 2007; COHA, 2007). Therefore, although new electronic platforms are created to allow more direct participation in political decision-making, citizens will not use them or trust that the results will be respected, if governments don't show their citizens the advantages of these platforms, the importance of their participation, and a promise to enforce the decisions. This is why, to achieve an electronic democracy in Colombia, it is necessary to begin by teaching citizens the real role that they should play in a more participatory democracy.

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