

8. The Estonian Citizens' Initiative Portal: Drivers and barriers of institutionalized e-participation

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1 INTRODUCTION

The scholarly debate on participatory democracy has increasingly focused on the impact of information and communication technology in fostering greater civic engagement in policy design and service delivery (Bentivegna, 2006; Freeman and Quirke, 2013; Margetts and Dunleavy, 2013; Bannister and Connolly, 2014). This dynamic between the aspirational rhetoric of participatory democracy and the practical potential of the Internet to foster greater dialogue between the state and its citizens has materialized in numerous e-participation projects around the world, many being government led.

The Estonian Citizens' Initiative Portal (ECIP; see www.rahvaalgatus.ee) is a quasi-governmental e-participation portal that allows individuals to submit collective addresses to parliament (Riigikogu). Since its inception in 2015, up to August 2020, 246 discussions have been started on the platform. The ECIP is formally institutionalized, with a cluster of laws and regulations framing the processes pertaining to the platform. The combination of bottom-up establishment and a high level of formalization makes it an interesting case for further exploration.

The Estonian context provides a rich tapestry in this case, as a number of contextual aspects might potentially influence the performance of the ECIP. Estonia's civil society is relatively fragmented (Rikmann et al., 2014), but there is high demand for participatory opportunities, as has been shown by the strong public support for legislative agendas which promise to implement forms of direct democracy. However, although Estonia's *e-government* is well developed (see Digital Economy and Society Index, <https://ec.europa.eu/digital-single-market/en/scoreboard/estonia>), several *e-participation* projects undertaken in Estonia since the early 2000s have been deemed a failure. This phenomenon has been dubbed 'the Estonian paradox' (Toots et al., 2016), where success in e-government and e-voting has not translated into success in e-democracy. The aim of this chapter is to look at the drivers and barriers of the ECIP to shed light on this particular paradox.

2 ANALYTICAL BACKGROUND AND METHODOLOGY

e-Participation platforms are often assessed from a pre-defined normative viewpoint (Macintosh, 2004; Molinari and Ferro, 2009; Chun and Cho, 2012), in which participation is conceptualized on a continuum from low to high (Bishop and Davis, 2002). While this is in line with most theoretical research on participatory policy making (Arnstein, 1969; Nabatchi, 2012), the normative bias present in the research on participation prevents readers from better understanding real-world participatory processes, where, according to Dean (2017, p. 215), tension often results 'from unacknowledged definitional conflicts'. In other words, it is common for stakeholders to disagree on what constitutes a desirable outcome or adequate level of engagement in the participatory process. This is not a glitch in the system – it is a feature of democracy as an institutionalized process, but also of democracy as a perpetually evolving system of governance.

Despite the difficulties acknowledged in assessing the performance of e-participation platforms, a number of previously published studies have highlighted the various drivers and barriers of e-participation (see Chadwick, 2011; Reddick and Norris, 2013; Manosevitch et al., 2014; Panopoulou et al., 2014; Jho and Song, 2015; Zheng and Schachter, 2017). A recent thorough literature review on e-participation (Steinbach et al., 2019) determines the need for more research that focuses particularly on the organizational and institutional factors in exploring how public administrations can become either drivers or barriers to e-participation, build a facilitating environment and implement e-participation successfully. Borman and Janssen (2012) claim that research on drivers and barriers in e-participation should also include factors that not only focus on outcomes and the implementation process but also on the 'operating environment'. In line with the main focus of the book, this chapter concentrates on said 'operating environment'. The scope of such an environment or context can be manifold. Citizen involvement is embedded in existing institutional arrangements and constrained by historical, cultural, legal, technological, political, administrative, organizational and individual factors. For this chapter, the contextual factors that surround e-participation platforms and affect its performance – either positively or negatively – are divided into the national context and organizational- and individual-level factors.

The case study is based on both exploratory and explanatory approaches in order to investigate the drivers and barriers that contribute to the performance of the ECIP. The main research question is: What are the drivers and barriers of the Estonian Citizens' Initiative Portal? The sub-questions considered in the case study are: (1) Which national-level factors are particularly important in explaining the functioning of the ECIP? (2) Which organizational-level factors are particularly important in explaining the functioning of the ECIP? and (3) Which individual-level factors can explain the functioning of the ECIP?

Accordingly, three types of contextual factors will be considered in order to capture the context of e-participation initiatives, covering several levels of analysis:

1. *The national context of the e-participation project.* The impact of technology on the public sector is strongly mediated by the national-level context that frames the ways in which the public sector interacts with citizens and other governmental and non-governmental units contributing to participatory policy making. A number of studies have looked at the drivers and barriers of e-participation in various national settings, showing that national context influences the uptake of e-participation (Aichholzer and Allhutter, 2009; Santaniello and

Amoretti, 2013; Moss and Coleman, 2014). Particularly relevant for this case study are the cultural-historical context, especially in relation to the development of civil society, the adoption of digital solutions in society as well as the legislative and institutional context surrounding the e-participation platform.

2. *Organizational aspects of the e-participation initiative.* Here, the aim is to explore the governmental structures and processes which enable, support or hinder the functioning of this particular e-participation initiative. Organizational factors include the formal ownership of the e-participation initiative and its organizational design, leadership and resources. After citizens give their voice, whether and how that voice affects the actual policy-making process depends on the characteristics of the organization. Organizations are processors of information (Arrow, 1974). Organizational arrangements determine the information they seek, how they process the signals and how they act on their perceived reality. If the participatory process is not carefully organized and administered, it may delay decisions, increase conflict, disappoint participants and lead to more distrust than trust (Yang and Pandey, 2011).
3. *Individuals who are administratively connected to the e-participation initiative.* There has been some research on the influence of managers on the uptake of e-participation (Carrizales, 2008; Aikens and Krane, 2010; Baldwin et al., 2012), but little effort has been made to look at the individual characteristics and roles of either formal or informal policy actors and particularly of administrators of e-participation initiatives in the adoption, diffusion and institutionalization of e-participation practices. Although it is acknowledged that the characteristics of individual citizens may play a role in launching petitions, this is beyond the main focus of this study, which targets the administrative and organizational aspects of e-participation. Therefore, the characteristics of citizens are handled under the national context addressing civil society at large.

The research was designed as a qualitative case study and conducted from September 2018 to May 2020 as part of the larger comparative research project ‘Transforming into Open, Innovative and Collaborative Governments’, funded by the Horizon 2020 Framework Program for Research and Innovation. The case study relied on information collected through desk research and interviews. The desk research involved the exploration of the following sources: the website of the e-participation initiative and their publications; the respective laws and secondary legislation; governmental policy documents; and the statistics available on the selected e-participation platform. In addition, eight semi-structured interviews were conducted with politicians, senior administrators and stakeholders, all of whom either had direct influence over the administration of the portal (administrators) or were actively involved with some of the key initiatives which came through the portal as primary decision-makers (politicians) or active campaigners (users/citizens). The anonymous interviews were semi-structured and lasted for one to one and a half hours. All interviews were recorded and transcribed.

3 OVERVIEW OF THE NATIONAL CONTEXT

Estonia is a small country with a population of 1.3 million (2020). Its independence as a democratic republic was restored in 1991 after the collapse of the Soviet Union. The public sector in post-Soviet Estonia was rapidly digitalized, and the country as a whole has often been dubbed an e-government success story (Kalvet, 2012). The foundation of the so-called e-Estonia

infrastructure is the digital identification system, which was codified into law as early as 2000 through the Digital Signature Act, thereby giving digital signatures legal force and making them equal to handwritten signatures. Estonia became the first country in the world to use legally binding e-voting in national elections in 2005 (Madise and Martens, 2006). The share of e-voting has grown with every subsequent election; a new record was reached in the elections of the European Parliament in 2019 when 48.3 per cent of all eligible votes were cast electronically.

The reasons for the development of digital government are manifold, encompassing historical, social and political aspects. The IT community's early initiatives were supported by some political leaders because these initiatives were consistent with their goals of creating a minimal and efficient state in the 1990s. Rapid digitalization has created a culture of e-government (Björklund, 2016) where citizens find it increasingly self-evident that all interactions with the state must be conducted online. The presence and role of a 'digital culture' is exemplified by the fact that public trust towards digital solutions has remained high despite setbacks involving some security issues related to e-voting systems (Madise and Vinkel, 2014).

Estonia was also one of the first countries to experiment with e-participation (Toots et al., 2016). In March 2001, a quasi-governmental foundation – the Estonian Legal Centre – piloted the online forum Themis. Within the first year, 15 draft laws were posted on the forum for comment, eight of which received relevant remarks, with many of those finding their way to the amended versions of the drafts (Siivelt, 2002). In addition to Themis, another e-participation portal called 'Today I Decide' was set up by the Estonian government in June 2001. It enabled citizens to propose ideas for policy or legislation, vote on ideas proposed by others as well as comment on draft laws posted by ministries. The most popular ideas were forwarded to the relevant institutions for processing by the prime minister's resolution. While this garnered a lot of support at the beginning, it was declared a failure just three years later. Themis was also discontinued in 2004.

As of 2020, there are three other national-level participatory platforms (see Table 8.1) in addition to the ECIP. *Osale.ee* offers citizens the opportunity to propose ideas to the government as well as comment on draft resolutions, which, however, is a rather passive tool and has been seen as a failure as well (Toots, 2019). In addition, there is the governmental draft law portal 'Eelnõude Infosüsteem' (EIS), where government units upload all formal documents for commenting and coordinating among government organizations; however, this also allows input from non-governmental organizations (NGOs) and citizens. Lastly, there is the informal e-petitioning site *Petitsioon.ee*, which is run bottom up by the Estonian Homeowners' Association. None of these platforms is strictly binding to any institution in terms of the level of regulations pertaining to participatory processes. The ECIP was chosen as a case study for that same reason – it is the only participatory portal backed by procedural regulations, making it possible to probe the potential effects of institutionalization on the participatory process.

One reason for the failure of earlier e-participation tools can be linked to the poor development of civil society reflected in a small number of active users and the low quality of ideas proposed through e-participation platforms (Toots et al., 2016). It could be argued that the Estonian civil society has not been mature enough to fully take advantage of such participatory tools. The slow development of the Estonian civil society could be put down to two main reasons. First, there is the Soviet legacy – during the Soviet occupation, the entire civil society was limited to inherently non-political activities, such as cultural clubs or voluntary

Table 8.1 *National-level e-participation portals in Estonia since 2001*

e-Participation portal	Status in 2020	Proprietor
Themis	Discontinued	Estonian Legal Centre
Today I Decide	Discontinued	Government of Estonia
Osale.ee	Passive	Government of Estonia
EIS	Active	Government of Estonia
Petitsioon.ee	Active	Estonian Homeowners' Association
ECIP	Active	Estonian Cooperation Assembly

fire-fighters (Randma-Liiv et al., 2008; Ruutsoo, 2012). Second, there is the dominance of a strong neoliberal ideology, which was instituted during the first freely elected government of post-Soviet Estonia and cemented during the subsequent government coalitions, ultimately leaving its footprint on core values in Estonian society, leading to the atomization of the consumerist individual and consequently to the demise of collectivist strategies in the political sphere (Ruutsoo, 2012). It has been argued that policy makers often view ‘inclusion’ as an activity separate from the policy-making process (Kübar and Hinsberg, 2014), which means that public participation is often performed as a mere formality. This criticism has also been applied to all e-participation platforms which have been set up by the government since 2001.

4 DESCRIPTION OF THE ESTONIAN CITIZENS’ INITIATIVE PORTAL

The ECIP is a digital solution for Estonian citizens to exercise their legal right to petition the government. It is a formally institutionalized online tool for participatory policy making that enables the co-creation of citizens’ initiatives, which can be sent to parliament for deliberation. The ECIP is regulated by the Response to Memoranda and Requests for Explanations and Submission of Collective Addresses Act (hereinafter referred to as the Collective Addresses Act) adopted in 2014 by the Estonian parliament. The idea for collective addresses was proposed to parliament by an ad hoc People’s Assembly (Rahvakogu), convened as a response to a financing scandal involving the ruling political party at the time. Rahvakogu comprised a stratified random sample of ordinary citizens, who gathered in the Estonian capital, Tallinn, in 2013 to brainstorm proposals for amendments to electoral laws, ideas to curb unethical lobbying practices and suggestions for more public involvement in policy making.

The Collective Addresses Act and the accompanying laws stipulate that a policy proposal initiated by citizens, which gathers 1000 or more signatures, must be formally processed by parliament. Citizens’ signatures can be collected either offline or online. The core technical innovation of the platform is a back-end solution for the digital mass signing of documents through the use of the Estonian digital identification system, which is a fast and reliable way of collecting signatures. Before the launch of ECIP, it was possible for only a limited number of people to digitally sign the same document, as with a larger number the system would crash. The presence of digital mass signing has been of critical importance because it enables the Chancellery of the Riigikogu to receive all collected signatures in one document and check the validity of the signatures. This also makes it easier to collect signatures, as campaigning can be done entirely online.

Anyone can create an initiative, but only Estonian citizens of at least 16 years of age can sign an initiative. To encourage co-creation of the final text of the proposal, the author of the initiative can only begin collecting signatures after three days, before which time the initiative is in 'forced co-editing mode'. The text editing part of the platform is built on Etherpad – an open-source component that enables the co-editing of text in the same way that Google Docs does. According to the project manager of the ECIP, not many people take advantage of this opportunity though. After the initial three-day 'incubation period', the author can make the proposal public and start collecting comments and votes. The author of the initiative can decide on the deadline for signature collection and also extend the period for signature collection if not enough signatures have been received by the initial deadline.

The parliament is legally compelled to act within 30 days once the proposal is submitted to the Riigikogu. According to an interviewee from the Chancellery of the Riigikogu, parliament usually undertakes all proposals that fulfil the formal criteria, i.e. the sufficient number of signatures. When the proposal is verified by the Chancellery of the Riigikogu, the Speaker of the Riigikogu will decide which parliamentary committee will be the 'owner' of the proposal and forward the proposal to the relevant committee for deliberation. It is mandatory to include the author of the initiative in at least one of the sessions held on the topic. The process itself must be concluded within three months and any result or decision made must be forwarded as a formal response to the author of the initiative no later than six months after the start of the proceedings.

There are six modes for the further processing of any given initiative by the relevant parliamentary committee, all of which are listed in the Riigikogu Rules of Procedure and Internal Rules Act.

1. The first option is for the parliamentary committee to initiate a bill or draft resolution on the issue when they reach an agreement on the changes necessary, which will then be voted upon in parliament. The committee can also convene a general assembly when the initiative is thought to address issues of 'significant national importance'. By April 2019, only two initiatives had been granted that opportunity – an initiative on long-term care insurance and an initiative regarding Estonia's exit strategy from coal energy.
2. The second option is for the committee to hold a public sitting, where anyone is welcome to join. More often than not, this option is used for environmental initiatives due to high public interest.
3. The third option is for the committee to forward the initiative to the competent institution (ministry, agency or local government) for taking a position and resolving the issue.
4. The fourth option is for the committee to transmit the initiative to the Government of the Republic, which is instructed to develop a position regarding the proposal and is obliged to notify the committee of their resolution.
5. The fifth option is to reject the proposal. The committee rejects any proposal which is clearly incompatible with the Constitution of the Republic of Estonia or any international obligations imposed on the country by international agreements. The committee also rejects proposals which are substantially similar to any proposal in respect to which proceedings were conducted less than two years earlier. Initiatives can also be rejected on other (political and/or administrative) grounds; but in these cases, the committee is obliged to explain their decision in detail, referring to relevant documents or laws where applicable.

6. The sixth option is to resolve the initiative ‘through other means’. It is not specified in the law what said other means might be.

The multitude of processing pathways reflects the diversity of the initiatives that have been forwarded to the parliament. There have been a number of initiatives concerning the environment, ranging from local issues, such as air quality in an industrial town in east Estonia, to initiatives calling for the protection of certain species or banning pesticides, to highly complex issues, such as Estonia’s exit strategy from coal energy dependency. Some initiatives read more like manifestos than specific proposals, yet other initiatives focus on solving very particular problems, such as the regulation of e-cigarettes, road safety, fireworks taxes or the processing of missing persons reports.

The follow-up feed appears under the original text of the initiative within the ECIP platform, where it is possible to read the official responses of parliamentary committees. The website of the Chancellery of the Riigikogu also shares all relevant documents related to the initiatives, which include the official records of all sessions held on the topic in committees or the general assembly and explanatory memoranda on any referrals of the initiative to other branches of the government.

5 ORGANIZATIONAL CHARACTERISTICS

As for organizational design, the ECIP is an example of so-called ‘ambivalent ownership’. Many aspects of the platform as well as the participatory process are managed by various political, governmental, quasi-governmental, private and non-profit organizations, each with its own agenda, resources, rules and organizational culture. During the collection of empirical data, the ECIP ran on the CitizenOS app, which is an Estonian open-source platform specifically designed to allow for the digital mass signing of co-created documents. The formal proprietor of the ECIP is the Estonian Cooperation Assembly foundation – a quasi-governmental centre founded in 2007 by the president of Estonia. The Estonian Cooperation Assembly was a key partner in facilitating the People’s Assembly of 2013, which resulted in the codification of the Citizens’ Initiative into law (Collective Addresses Act). The Cooperation Assembly also supports the Estonian government in the Open Government Partnership network, which made it possible to ensure the technical development of the portal as part of its Action Plan for 2014–2016 as well as for the period 2016–2018. The Cooperation Assembly thus possesses strong psychological ownership of the ECIP.

The Cooperation Assembly and the Chancellery of the Riigikogu share responsibility for the administration of citizens’ initiatives, with the Cooperation Assembly focusing on the maintenance of the portal and the Chancellery dealing with the coordination of the political process. The Cooperation Assembly is responsible for securing funding for the portal as well as educating the public about everything that has to do with the procedure for submitting a Collective Address, which includes devising guidelines for deliberation and commenting, and guiding users on how to obtain and use a digital identification to sign documents. The responsibility of the Chancellery of Riigikogu is limited to checking the validity of the digital signatures on the initiatives, but parliament as a whole bears the brunt of the workload after the proposals have been verified for parliamentary deliberation. Once the parliamentary process is complete, the Cooperation Assembly once again takes the reins in curating the online follow-up phase –

visualizing the processing pathway and any actions taken by parliament or the government in response to any citizens' initiative.

There is only one employee – the project manager – in the Cooperation Assembly, who deals with everything related to the ECIP, among other duties, which means that their workload is quite heavy. The project manager sees an acute need for a full-time employee who would exclusively deal with communication and information dissemination on the ECIP. Their main tasks would involve educating the public, but also members of parliament (MPs), about the right to petition. According to an interviewee, some MPs have a vague understanding at best of not only the ECIP portal but the underlying legal procedure itself. While a number of MPs display a very positive attitude towards the portal, there are many who have not even heard of the ECIP or the citizens' initiative.

The funding of the ECIP is a patchwork of various revenue streams. The running costs of the portal, such as fees regarding the processing of digital signatures and front-end design solutions, have been covered by micro-donations from the users of the ECIP. The back-end solutions are free because of an informal agreement between the project manager of the ECIP and the chief executive officer of CitizenOS. The personnel costs are partially covered by the budget allocations received from the Office of the President, but this does not cover all activities undertaken by the Cooperation Assembly. Additional revenue comes from successful project proposals submitted to various foundations. The Chancellery of the Riigikogu does not provide any financial support for the platform.

6 EVALUATION OF THE E-PARTICIPATION INITIATIVE

The development of an e-participation initiative is a living process grounded on continuous innovation, learning and adaptation. In order to enable organizational learning, it is vital to examine which positive and negative outcomes the use of the online platform produces, whether there are any unexpected outcomes, whether it remains sustainable and what challenges it faces. However, publicly available sources provide only basic information on the performance of the ECIP. Since its inception in 2015, up to August 2020, 246 discussions have been started on the platform, 132 collective addresses have been co-created and 47 initiatives have been forwarded to the Riigikogu for deliberation; altogether, 90,065 signatures have been collected. Information on current and previous initiatives is also available on the ECIP website.

There are no specific objectives and/or performance indicators in place for the ECIP, which could be related to ambiguous ownership and accountability relations. Interviewees also did not have a fixed normative position when it came to defining the criteria against which the performance of the ECIP should be assessed. Consequently, citizens and the leaders of the ECIP alike have limited access to consolidated information on the platform, its actual performance and the underlying trends. Due to the lack of formal objectives and the shortage of performance information on the ECIP, the focus of the evaluation is set on three aspects that reflect the general democratic criteria of the platform: legitimacy, transparency and influence on policy making.

6.1 Democratic Legitimacy

The democratic legitimacy of the ECIP is dependent on whether the portal is formally integrated in the institutional framework of democratic governance and whether the number and diversity of people and organizations who use the ECIP reflect a broad representation of Estonian civic life. According to the interviewees, the participatory process through the ECIP has been set in motion relatively successfully – the process is regulated by law, and an increasing number of people and organizations are using the platform to resolve issues and propose ideas to the government. However, due to strict data protection policies, information on the demographic and socio-economic profile of the users of the platform are not publicly accessible, which implies limitations to the assessment of input legitimacy. According to the project manager of the ECIP, it has also been a matter of principle – because of the sensitive nature of some of the information processed on the ECIP, a conscious decision was made not to publish any statistics on the demographic profile of the users.

At the same time, the throughput legitimacy of the ECIP is noteworthy as it is backed by a detailed legal framework. The fact that the participatory process is regulated by law was positively brought up on numerous occasions during the interviews. This was especially apparent when talking to the politicians who handle the initiatives, since the regulatory framework provides for ‘an automated process’ of addressing the initiative. If the initiative received through the ECIP lands on the agenda of the parliamentary committee, a response must be formulated because that is the law. It was also emphasized by the interviewees that the legal backing combined with the adequate level of citizens’ interest contributes to (financial) sustainability for the ECIP.

6.2 Transparency

While the level of institutionalization of the ECIP is high, there is still room for development when it comes to transparency. While transparency is explicitly mentioned as a guiding principle on the webpage of the ECIP, there are still links missing between certain parts of the participatory process, the most problematic being the follow-up phase. As there are a number of options for how parliament decides to process the initiative, it is very difficult to design a comprehensive and user-friendly view of these processes and to steer the entire feedback phase. On the one hand, the proceedings of parliamentary committees reflect information related to any given initiative and a public and digital record of all related documents is kept so that the process could be dubbed legitimate and sufficiently transparent. On the other hand, citizen initiatives submitted through the ECIP often end up in the complex system of the various government organizations, where broader issues related to policy coordination and impact assessment come into play. This lack of transparency is not due to a lack of will, though, as it is inherent to the institutional complexity of democratic governance.

6.3 Influence on Policy Making

As profuse law-making is often an issue in modern democracies, the success of any given initiative cannot be measured by whether it resulted in new laws and policies. More recent theorizing on participatory democracy (Dean, 2017) also stresses the importance of a more

holistic approach to the analysis of participatory mechanisms, which contextualize participation within the constraints of representative democracy. However, a number of examples of the ECIP can demonstrate its impact on policy change. Moreover, there is evidence that the ECIP has an effect on the political process as a whole.

One of the initiatives processed by the Riigikogu was a plea made by the residents of the industrial city of Kohtla-Järve who complained about poor air quality. What was seemingly a local issue was taken up by the environmental committee at the Riigikogu, which organized a session including the representatives of all major industrial polluters of the area as well as local authorities, the Ministry of Environment, the Environmental Board and the Environmental Inspection. While the formal level of pollution was norm compliant, the committee took further steps to ensure that additional measures were taken by the polluters to further reduce pollution. The chair of the environmental committee acknowledged that this problem would never have been solved or even addressed by the government if the issue had not been taken up in the form of a citizens' initiative.

There are more examples, however, which did not result in any tangible changes in laws or policy. Due to the institutional constraints imposed on such processes by the constitution, parliament always has the final say. This is why actual influence on law or policy cannot be the yardstick for measuring the performance of the ECIP. Nevertheless, it is possible to gauge whether the ECIP has influenced the agendas of the parliamentary committees and whether the topics that come through the ECIP receive special attention when compared with issues that end up on the committees' agendas through other means. Regarding the influence of the ECIP over the committees' agendas, it is clear that this influence is substantial. Interestingly, the legal regulation has provided the parliamentary opposition a complementary opportunity to influence the parliamentary agenda, as the ECIP has been used several times by either single opposition MPs or opposition parties to forward their agenda to the relevant committee.

7 DISCUSSION AND LESSONS LEARNED

There are several national-, organizational- and individual-level drivers and barriers that affect the performance of the ECIP. The analysis of these drivers and barriers allows lessons to be learned for the further improvement of the ECIP and helps take such drivers and barriers into consideration when establishing similar e-participation platforms either in Estonia or elsewhere.

7.1 Drivers

There are three major national-level drivers which contribute to the success of the ECIP: citizens' trust in digital solutions, technological infrastructure and the legally binding regulation of the ECIP. The experience of e-voting in national elections since 2005, general trust in digital solutions and the so-called 'digital culture' create a favourable national context for e-participation. The national policy of mandatory digital identification combined with the technical solution, which allows the digital collection of more than 1000 signatures, forms the technological infrastructure of the platform. This makes the input of citizens transparent and easily controllable. There is also a cultural dimension contributing to the digital signature as a driver of the ECIP. e-Signing for a citizens' initiative is essentially an act of digitally signing

a document – in many ways not all that different from digitally signing a bank transfer or any kind of legal contract. This technology is something that many Estonians use on a daily basis. When combining the high levels of use of the digital signature with an increasing awareness of the ECIP, there is a high chance that digitally signing citizens' initiatives will become increasingly habitual and that people will come to see the act of submitting initiatives as another way of digitally interacting with the government.

Next, the process of e-participation through the ECIP is regulated by law, which makes it legally binding. Due to the precise procedural rules, it is not possible for parliamentary committees to ignore the initiative, draw out the process indefinitely or bury the proposal until the next election. The formal regulation creates a basis for the clarity and predictability of citizen participation. The predominant legal culture in the Estonian public administration combined with (still) modestly developed civil society implies that legally forced participation has more opportunities to succeed than less formalized participatory tools. The legal guarantees of the ECIP also provide leverage over other participatory channels in the competition for the attention of the government.

As for the organizational-level drivers, the autonomy and political independence of the Cooperation Assembly can be seen as a driver of the ECIP. The quasi-governmental form of the Cooperation Assembly has made it possible for the organization to take on an active role in promoting the platform using approaches which are appropriate for NGOs but perhaps would not be as appropriate for parliament. The leadership of the assembly at the time of the launch of the ECIP had a strong background in grassroots activism, which positioned the ECIP from the very beginning as a democracy instrument by the people for the people. In other words, the organizational design of the ECIP has set the tone for the platform as being more in line with bottom-up values rather than top-down decision-making. And last but not least, since the launch of the ECIP, there have been enthusiastic individuals leading the platform who, next to the technical running of the platform, have educated citizens and NGOs on participatory democracy and have proactively searched for ways to promote the platform.

7.2 Barriers

There are several national-level barriers to the development of the ECIP, including the failures of e-participation platforms in the past, confusion related to the multiplicity of existing e-participation portals as well as the limited capacity of civil society. As demonstrated in Table 8.1, previous experience with nationwide e-participation portals is not encouraging. The two first platforms were abandoned only a few years after establishment, and another existing e-participation platform, Osale.ee, has been seen as a failure (Toots, 2019). This recent history with e-participation raises the question of the long-term sustainability of e-participation platforms and is likely to demotivate not only governmental bodies but also NGOs and individual citizens from further engagement through e-participation tools.

In addition, there are three other national-level e-participation platforms in Estonia that co-exist with the ECIP: the governmental participatory portal Osale.ee, the government draft law portal EIS and the e-petitioning portal. Unlike the ECIP, none of these platforms is procedurally binding to any institution, yet people still use them, often in tandem. Such multiplicity of e-participation portals creates confusion around different processes of different e-participation channels. As the project manager of the ECIP put it: 'We have had cases where the author

of a citizens' initiative collects legally meaningless e-mail addresses instead of digital signatures, but this is because that is how it is done on the other e-petitioning site, which has been up and running for more than ten years.' The problem with the multiplicity of portals was also highlighted by the interviewee from the Chancellery of the Riigikogu:

There have been a few cases where some signatures were collected through the ECIP, and some through the other e-petitioning site, but the problem is that we cannot accept e-mails as signatures, so the whole initiative ends up not fulfilling the necessary criteria. In such cases, we have processed the initiatives as simple memoranda, which only require parliament to respond to the authors within 30 days and that's it.

The presence of several e-participation portals is an institutional barrier because citizens are essentially competing for the scarcest of resources – the attention of the government. It is the government that owns the other two e-participation portals used for inclusive policy making – Osale.ee and the draft law portal EIS – making it difficult for citizens and NGOs to understand when to use which portal. In addition, the privately run e-petitioning site Petitsioon.ee is much older than the ECIP and many people are used to using this, often for similar petitions which also feature on the ECIP. While the institutional framework is definitely a driver of e-participation in this particular case, as it favours the ECIP over other participatory platforms, the proliferation of national-level e-participatory instruments may still count as a barrier for the development of e-participation in Estonia overall. It would make sense for the government to conceptualize different national-level participatory processes and optimize the landscape of e-participatory instruments.

Yet another national-level concern is related to civil society with its low capacity to substantially influence the processes of policy making. Several interviewees mentioned that the number of signatures starts lagging somewhere around 500 (with the legally set threshold being 1000). This is related to the specific roles that NGOs fulfil in society. As the representative of the oldest and largest environmental organization in Estonia admitted, environmental NGOs are not much engaged in advocacy. Instead of campaigning for national issues, they mostly concentrate on participating in international projects on advancing environmental literacy or focus their efforts on engaging with policies on the EU level. When the interviewee tried to use the network of their organization to campaign for signatures, they were surprised by the low level of interest and engagement. Consequently, the modest level of the development of civil society can be seen as detrimental to the capabilities of NGOs in mobilizing their supporters and communicating their agenda on a broader scale.

There are also a couple of issues on the organizational level that hinder the functioning of the ECIP, including ambivalent ownership, problems with feedback and limited resources. The ownership of the ECIP portal offers an organizational puzzle: it is administered by the Cooperation Assembly affiliated to the Office of the President, even though the citizens' initiative is part of the procedural portfolio of parliament. This contributes to blurred ownership and accountability relations and assumes excellent collaboration. Ownership and accountability issues are also linked to the presence of formal authority, legitimacy and resources of the core unit of the e-participation platform – the Cooperation Assembly – thereby influencing the long-term sustainability of the ECIP. The existing organizational setup could profit from the Chancellery of the Riigikogu, as the main beneficiary of the platform, taking more prominent

Table 8.2 *Drivers and barriers of the Estonian Citizens’ Initiative Portal*

	Drivers	Barriers
National level	• Citizens’ trust in digital solutions • Technological infrastructure • High level of formalization and legally binding procedures	• Failures of e-participation platforms in the past • Multiplicity of e-participation portals • Fragmentation and low capacity of civil society
Organizational level	• Autonomous quasi-governmental organization as a proprietor of the platform	• Ambivalent ownership and accountability relations • Difficulties in providing feedback on the proposals • Limited human and financial resources
Individual level	• Enthusiastic individuals leading the platform	• Little awareness among citizens and MPs

ownership of the platform. It would further legitimize the ECIP as a participatory instrument, help with the financing of the portal and contribute to streamlining the follow-up phase.

Another organizational-level barrier is related to feedback to citizens. Structuring the follow-up phase has proven very difficult, as there are six ways for parliament to address a citizens’ initiative. Sometimes the initiative is sent to other institutions in the executive government, which are instructed to formulate a response or propose a resolution. It may occur that the proposed solution addresses a problem other than the one pointed out in the initiative. Moreover, the initiative may even prompt a more substantial overhaul of a range of policies, as it did with the long-term care insurance. Namely, the author of the initiative proposed the idea for long-term care insurance, and the social committee forwarded the idea to the Ministry of Social Affairs, where a decision was made to analyse the issue of elderly care in a much more comprehensive manner. In such an instance, the initiative had a major impact on policy making, but with results other than those anticipated by the authors of the initiative. On the one hand, communicating the results of the participatory process is a systemic challenge. On the other hand, there is the question of human and financial resources. The Cooperation Assembly has one person to ensure the overall performance of the ECIP and lacks the resources to hire someone to take care of information dissemination and further promotion of the platform, as there is still little awareness of the ECIP among citizens and MPs. The roots of such underfunding are linked to the ambivalent ownership and accountability of the platform.

Drivers and barriers on national, organizational and individual levels are summarized in Table 8.2.

7.3 **Lessons Learned**

There are some aspects of the ECIP that might prove to be meaningful beyond the single case from Estonia. First, the level of institutionalization of the initiative. The high level of procedural formalization enables an increase in the legitimacy of the platform. The attention that can be allocated by the government for dealing with participatory processes can be

understood as a scarce resource. This means that if there is no formal obligation to process citizens' initiatives, other legally regulated government obligations may overrun the petitions in favour of 'more important' matters. This can be seen from the fact that the legal status of citizens' initiatives guarantees a spot on the relevant parliamentary committee's agenda. Second, the competition for the attention of decision-makers is also relevant in the presence of multiple channels for participation. In the absence of a clear governmental strategy regarding the principles and channels of participation, the proliferation of such portals can deepen mistrust between citizens and the government because the comparative outcomes of using each portal are ambiguous at best. Third, organizational design, ownership and collaboration among involved organizations and/or units play a crucial role in the operation and eventual sustainability of the platform.

Another more general lesson has to do with the input legitimacy of e-participation instruments. Even with such a low threshold for signatures as 1000, as in the case of the ECIP, it has still proven difficult to collect enough signatures. Even when the overall 'digital culture' and the ease of digitally signing initiatives drive e-participation, such a favourable context will not materialize before citizens, and NGOs are actually keen on using their opportunity to have a say in the policy-making process. As shown in the Estonian case, the e-participation platform is not a panacea for increasing citizens' engagement in policy making, as many NGOs that might potentially benefit from the opportunity presented by online participation have little experience in petitioning the government, insufficient skills for carrying out a campaign and few resources to allocate to coordinated dissemination activities. This is most likely one of the key factors that helps explain 'the Estonian paradox' (Toots et al., 2016), where success in e-government and e-voting has not translated into success in e-democracy.

ACKNOWLEDGEMENTS

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement no. 726840.

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