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Council of Europe Recommendation on e-Governance

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Mr Chairman, ladies and gentlemen,

The Council of Europe is Europe's oldest political organisation, founded in 1949. Today, it groups together 46 countries from Ireland to Russia and Azerbaijan and from Finland to Malta and Turkey. The Council was set up to defend human rights, parliamentary democracy and the rule of law and it is quite rightly know as a value based Organisation. The European Court of Human Rights is probably the best known part of the Council.

In addition to presenting to you very briefly the draft Council of Europe Recommendation on e-Governance, what I want to do is to argue in favour of Council of Europe playing a role in the information society development in Europe.

Concerning the draft Recommendation, it was prepared by an Ad Hoc Inter-sectoral Group of Specialists and I had the pleasure to be the chairman of that Group. The Group had members from a number of Council of Europe's steering committees, including those on culture, education, mass media and legal affairs as well as representatives from certain Member States.

In the Recommendation, the two main substantial recommendations are:

1) review the e-governance policies in light of the guidelines that are appended to the
       recommendation, and
2) work inclusively to develop a shared vision of e-governance that upholds human rights,
              democracy and the rule of law,

The appendix, in its turn, consists of three chapters; one on e-democracy, another on public e-services and one on e-governance strategies. A significant part of the thrust of this whole exercise is, on one hand, to recognise the very important potential of the use of ICTs to enhance democracy and improve different democratic processes, but, on the other hand, make a clear case that ICTs should only be used if they bring about certain positive societal externalities. Here we used for example the following criteria:

The use of ICT should:

- o strengthening citizens' participation, initiative, and engagement in public life;
- o improving the transparency of democratic decision-making and the accountability of democratic institutions;
- o enhancing the responsiveness of public authorities;
- o improving the overall accessibility, usability, and inclusiveness, of public services, and
- o ensuring equality in public service provision as a means to fostering social cohesion.

As you can see, Mr Chairman, there is no techno hype in the approach adopted by our Group. Actually, one might say that we are essentially in a process of trying to complement the different, frequently used, technical feasibility criteria for eGovernance applications with societal and democratic feasibility criteria.

But is this stepping by the Council of Europe into the world of the information society development justified? Does it imply additional government involvement or even interference?

I don't think there is any danger of such for the following reasons:

Firstly, the Council of Europe's task and mandate as a value based Organisation is open ended and must be interpreted and applied sensitively in the changing world. In addition, there is a specific mandate given by the Second Summit of the Heads of State and Government of the Council of Europe to "*seek common responses to the development of the new information technologies, based on the standards and values of the Council of Europe, while ensuring a proper balance between the right to information and respect for private life*".

Secondly, this particular Recommendation, as well as other relevant Council's legal texts (e.g. the Convention on Transfrontier Television, on the Legal Protection of Services based on, or consisting of, Conditional Access, the Recommendation on Universal Service or the Declarations on New Information Technologies and on Cultural Diversity) are carefully circumscribed not to overlap or contradict other texts that are often closer to the implementation of e-policies.

Thirdly, this Recommendation actually occupies a more or less empty "legal space", i.e. it targets phenomena that few other legal instruments pertain to.

Fourthly, the overriding thrust is to bridge more closely the fundamental democratic principles and the much more concrete everyday work in developing and implementing individual e-strategies or parts thereof. Or, at least, to introduce a perspective whereby the basic democratic ideals can inspire, and be taken into account, when the Member States make decisions on the information society.

It may be a platitude by now to say that never has there been more opportunities to realise the values of human rights, democracy, the rule of law, social cohesion and the respect for cultural diversity. But common sense suggests that whatever democratic potential the use of ICT may have, it will not be realised unless those values really guide and inform the more "mundane" decision making, even on issues that may appear overwhelmingly technical (cf. the debate on digital terrestrial television standards, MHP, or the discussion at the WTO on classification of telecommunications services and of computer services).

To conclude, Mr Chairman, personally I am convinced that the Council of Europe's activities in the field of the information society, including standard setting, are entirely justified. Actually, I believe they are indeed necessary when they pertain to, and strive to increase the awareness of the governments and other decision makers on how a number of questions of, fundamental democratic importance are today often embedded in new and emerging issues and sectors.