# DIGITAL MEDIATION: REDEFINING E-GOVERNANCE SUPREMACY THROUGH ONLINE DISPUTE RESOLUTION IN PAKISTAN

**Sadia Tanveer\*[1], Abdul Azim[2], Dr. Sohaib Mukhtar[3] Ayesha Saeed[4]**

**\*[1]**LLM Scholar, Bahria University Islamabad Campus**, [2]**Advocate High Court, Lahore, Pakistan**, [3]**Senior Assistant Professor**,** School of Law, Bahria University Islamabad**, [4]**Advocate High Court Peshawar, Pakistan

**\*[1]**sadiatanveer812@gmail.com, **[2]**Abdulazim.baloch@gmail.com, **[3]**smukhtar.buic@bahria.edu.pk, **[4]**adv.ayesha1@outlook.com

**Corresponding Author:** \*

## ABSTRACT

In the evolving landscape of e-governance, the integration of Online Dispute Resolution (ODR) stands out as a transformative mechanism, enhancing efficiency and accessibility of administrative processes. This research critically examines the interplay between ODR and e-governance, with a pointed focus on Pakistan's journey, juxtaposed against global benchmarks. Through a methodical evaluation of primary and secondary sources, the study illuminates Pakistan's strides in digital governance while simultaneously highlighting areas of potential enhancement, especially in the realm of ODR. Drawing on international frameworks like UNCITRAL's Model Law on ODR and the UN E-Government Development Index, the research situates Pakistan within a global context, emphasizing the need for alignment with recognized best practices. Furthermore, the paper offers policy recommendations, aiming to propel Pakistan and similar developing nations towards achieving e-governance excellence by harnessing the potential of digital mediation.

**Keywords:** Online Dispute Resolution (ODR), E-Governance, Digital Mediation, Government Technology, Public Sector Innovation, Access to Justice, Legal Technology, Electronic Government, Digital Transformation, E-Democracy, Conflict Resolution, ICT Policy, Digital Services, Administrative Efficiency, Pakistan, UNCITRAL, Global Benchmarks.

## INTRODUCTION

The digital era has ushered in transformative changes in global governance structures. 'E-governance', epitomizing the infusion of information and communication technology (ICT) into public administration, seeks to bolster efficiency, transparency, and enhanced civic involvement (Grönlund, Å., 2010). As the 21st century progresses, the scope of e-governance has expanded to encompass collaborative decision-making and increased public accountability ((Sharif, Ali, & Baloch, 2022). A salient innovation in this realm is the rise of Online Dispute Resolution (ODR), which leverages digital platforms to address disputes, substantially reducing the need for physical meetings (Katsh, E., & Rabinovich-Einy, O., 2017). Merging alternative dispute resolution (ADR) tenets with digital efficiencies, ODR offers a nimble, transparent, and often more accessible method for conflict resolution. In a world defined by intricate international trade networks, diverse cross-border disputes, and varied legal systems, ODR stands out as a solution adept at navigating both geographical and jurisdictional challenges. Its role in e-governance is accentuated by its potential to engender trust among digital platform users by presenting a reliable redressal mechanism (Schultz, T., Kaufmann-Kohler, G., Langer, D., & Bonnet, V., 2001). Nevertheless, the adaptation and success of ODR differ worldwide. While some countries have seamlessly incorporated ODR into their e-

governance strategies, others confront challenges related to trust, privacy, and digital inclusivity. Analyzing Pakistan's approach to e-governance, particularly when contrasted with leading global economies, offers a discerning perspective on potential avenues, existing challenges, and strategic pathways.

## RESEARCH METHODOLOGY

For this investigation, the primary approaches adopted will be doctrinal and comparative in nature. The doctrinal analysis will encompass an in-depth exploration of both primary and secondary legal resources, including legislative enactments, jurisprudential developments, analytical legal reports, and academic contributions. This rigorous examination will serve to elucidate the underpinnings of e-governance and underscore the crucial significance of ODR within this framework. In contrast, the comparative research will be geared towards comparing the nuances and success metrics of e-governance models across prominent global jurisdictions, with a particular emphasis on Pakistan. This comparative approach will enable the identification of best practices and potential pitfalls, offering Pakistan a roadmap for navigating its e-governance journey.

## Purpose of the Study

The core objective of this research is to critically examine the role and contribution of ODR in the success of e-governance, especially focusing on Pakistan's experience in comparison with global giants in the realm. By undertaking this investigation, the study seeks to offer valuable insights, policy recommendations, and a roadmap for Pakistan and other developing nations on the path to achieving e-governance excellence through effective digital mediation mechanisms.

## Global Benchmarks of E-Governance Success

In the age of digitization, where technology profoundly influences virtually every aspect of our lives, governance systems worldwide are undergoing revolutionary changes. E-governance, often touted as the beacon of modern administrative functionality, marks the convergence of technology and governance to foster efficiency, inclusivity, and transparency (Heeks, R., & Bailur, S., 2007). This

section undertakes a panoramic exploration of the global landscape of e-governance by recognizing the benchmarks that define its success. With the global digital transformation in full swing, the exploration of e-governance paradigms worldwide provides invaluable insights into its evolution, challenges, and benchmarks of success.

## European Union (EU): Digital Single Market Strategy

The European Union, a consortium of 27 nations, has always been at the forefront of innovative governance solutions. The EU's commitment to fostering a Digital Single Market manifests a holistic e-governance approach, characterized by the free movement of people, services, and capital, ensuring that citizens and businesses can seamlessly access and engage with online services (European Commission, 2015). The eIDAS regulation, introduced in 2014, establishes a legal framework for electronic identification, ensuring secure cross-border online transactions (Regulation (EU) No 910/2014). Platforms such as the 'Your Europe' portal make intra-EU business and travel smoother for citizens, reflecting the efficiency pillar of e-governance.

## United States: The E-Government Act

The United States, with its vast and diverse demographic, has long seen the potential of e-governance. The United States, with the E-Government Act of 2002, sought to enhance the federal government's digital outreach by promoting internet-based platforms and tools to render services and facilitate citizen participation (E-Government Act of 2002, Pub. L. 107-347). Several online portals such as 'USA.gov' and 'Data.gov' ensure transparency by providing easy access to government data and services to the public. Furthermore, the emphasis on public participation through platforms like 'We the People', an online petition platform, underscores the participatory facet of e-governance (USA.gov, 2020).

## Singapore: A Smart Nation Vision

Singapore, the tiny island nation, is often hailed as an e-governance champion. Initiatives like 'Smart Nation' and 'SingPass' reiterate Singapore's ambition to position itself as a global digital governance leader

(Smart Nation Singapore, 2020). Real-time data analytics and citizen feedback loops embedded in these platforms embody the ideals of transparency and participatory governance. Ranked consistently high in the e-Government Development Index (EGDI) by the United Nations, Singapore's Smart Nation initiative epitomizes the convergence of technology, governance, and societal needs. Its approach emphasizes the role of digital solutions in transforming urban living, creating economic opportunity, and fostering a connected community (Smart Nation Singapore, 2020).

## Indices and Benchmarks Measuring E-Governance Success

One of the most recognized benchmarks in this realm is the United Nations' E-Government Development Index (EGDI), which evaluates nations based on the provision of online services, telecommunication infrastructure, and human capital. The EGDI is instrumental in offering a comparative perspective of countries' e-readiness and e-participation capabilities (United Nations, 2020). Survey results that the EGDI is a normal relative index and that small variations in EGDI values between states do not necessarily indicate that a country with a lower EGDI value underperformed during the specific two-year Survey period, nor does a higher value of EGDI imply that countries within the same subgroup have demonstrated better performance. Therefore, it is important to caution analysts and decision-makers from misrepresenting and misinterpreting the little shifts in ranks among nations that are part of the same rating class. Instead of relying solely on an assumption of its future position in the ranking, each state should anticipate the level and scope of its digital government ambitions based on its unique national development, viability, strategy, and programs. The table below lists the nations with the highest EGDI scores and places them in the very high rating class.

| Country name | Rating region | EGDI (2020) | EGDI (2022) | Rating class |
|---|---|---|---|---|
| Denmark | Europe | 0.9758 | 0.9717 | VH |
| Finland | Europe | 0.9452 | 0.9533 | VH |
| Korea | Asia | 0.9560 | 0.9529 | VH |
| New Zealand | Ocenia | 0.9339 | 0.9432 | VH |
| Sweden | Europe | 0.9365 | 0.9410 | VH |
| Iceland | Europe | 0.9101 | 0.9410 | VH |
| Australia | Ocenia | 0.9432 | 0.9405 | VH |
| Estonia | Europe | 0.9473 | 0.9393 | VH |

| United States | Americas | 0.9297 | 0.9151 | VH |
|---|---|---|---|---|

About 53% of the VH rating class is accounted for by Europe (Denmark, Estonia, Finland, Iceland, Malta, Netherlands, Sweden, and United Kingdom), 27 % by Asia (Japan, Republic of Korea, Singapore, and United Arab Emirates), 13 % by Oceania (Australia and New Zealand), and 7% by the Americas (the United States). Without the implementation of specific and systematic initiatives to help low-income and lower-middle-income countries, digital gaps still exist and may perhaps get worse. There are several significant outliers even though e-government progress continues to be strongly connected with national income. Nearly 90% of the 99 Member States with EDGI values above the average for 2022 are high- or upper-middle-income nations, whereas the remaining 10% (11 nations) are lower- or middle-income nations and frequently have inadequate telecommunications infrastructure. The survey results demonstrate that income level affects e-government development, but it is not the only determinant. Globally, the number of nations supplying at least one of the 22 online services evaluated has increased by 16.7%, with 61% of Member States providing more than 16 services. Government services are clearly moving in the direction of being fully digitalized, enabling people to conduct almost all forms of transactions entirely online. Over 25% of the Member States have integrated.

Another critical indicator is the World Bank's Worldwide Governance Indicators (WGI) project, which gauges six dimensions of governance, including government effectiveness and regulatory quality, both intertwined with e-governance paradigms (Kaufmann, D., Kraay, A., & Mastruzzi, M., 2010). Additionally, the Open Data Barometer, published by the World Wide Web Foundation, ranks countries based on their open data initiatives, and the World Bank's Digital Adoption Index (DAI) provides insights into a country's digital engagement (World Wide Web Foundation, 2019; World Bank, 2017).

In summary, while technology acts as the bedrock of e-governance, it is the ethos of inclusivity, transparency, and participatory governance that truly defines its success. As countries continue to traverse the path of digital governance, benchmarking against global best practices ensures that e-governance

remains not just a tool of efficiency but also an embodiment of democratic principles.

### The Pillars of Digital Mediation in E-Governance

E-governance, in essence, is the digital transformation of traditional government functions. The integration of Online Dispute Resolution (ODR) into this realm represents a significant leap towards creating a more inclusive, efficient, and participatory system of governance. To appreciate the essence of this integration, we must first dissect the foundational pillars of e-governance and understand how ODR intertwines with each.

### Accessibility: Ensuring Digital Inclusivity

The primary objective of e-governance is to ensure that government services are readily available to the entirety of its populace regardless of socio-economic status, age, or geography (World Bank, 2016). This translates to making services available across diverse geographical, socio-economic, and demographic lines (Jaeger, P. T., & Thompson, K. M., 2003). ODR plays a crucial role in bolstering this pillar. Traditional justice systems, often marred by delays and accessibility issues, find a potent solution in ODR platforms. The essence of ODR lies in its ability to offer dispute resolution services remotely, making justice accessible even to those in the most remote areas. Canada's British Columbia Civil Resolution Tribunal (CRT) provides an ODR platform for small claims and condominium disputes, serving as a model of accessibility (Civil Resolution Tribunal Act, SBC 2012, c. 25). Countries like Estonia, known for its e-residency program, have demonstrated the potency of digital inclusivity, making governance services accessible to its citizens irrespective of their location (UNESCO, 2019).

### Efficiency: Streamlining Processes and Reducing Costs

E-governance initiatives aim to streamline bureaucratic procedures, making them faster and more cost-effective. ODR dovetails perfectly with this ambition. Through the digitization of dispute resolution processes, ODR reduces costs, expedites proceedings, and simplifies procedural intricacies (Katsh, E., & Rabinovich-Einy, O., 2017). The European Union's ODR platform, designed for consumer disputes arising from online transactions, showcases how digital mediation can enhance efficiency across borders (Regulation (EU) No 524/2013). Automation of public services, such as license renewals, tax filings, and passport applications, reduces bureaucratic red-tape, thus enabling timely and hassle-free delivery. Singapore's "OneInbox" initiative exemplifies this, offering citizens a consolidated platform for all government-related correspondence (Koh, C. E., 2014). For instance, eBay's ODR system handles millions of disputes annually, with the majority being resolved in less than 48 hours (Rule, C., 2012).

### Transparency: Building Trust through Openness

A transparent e-governance system is paramount to build and maintain public trust. ODR platforms, with their inherent design of open but secure processes, provide a transparent mechanism for resolving disputes. Parties can track the progression of their case, view exchanged documents, and understand the reasoning behind any resolution (Rule, C., 2015). The United States' National Mediation Board offers an ODR system for labor-management disputes, emphasizing transparency in its procedures (45 U.S.C. § 151). Transparent governance fortifies trust. Open data initiatives, as seen in countries like the UK and the US, provide public access to vast government datasets, ensuring accountability and fostering innovation (Davies, T., & Bawa, Z. A., 2012). The US's "Data.gov" and the UK's "Data.gov.uk" are premier examples of transparent e-governance in action. Further, ODR platforms uphold the tenet of accountability. The EU's General Data Protection Regulation (GDPR) mandates that ODR platforms adhere to strict data protection standards, ensuring that user data is both protected and used ethically (European Parliament and Council, 2016). The EU's Directive on Consumer Rights (2011/83/EU) accentuates the significance of ODR in addressing consumer disputes, promoting both fairness and transparency (European Parliament and the Council, 2011).

### Participation: Engaging the Citizenry

E-governance is not a one-way street; it thrives on citizen participation. ODR platforms often come equipped with collaborative tools that empower parties to play a more active role in the resolution

process, thus aligning with the participatory ethos of e-governance (Schmitz, A. J., & Rule, C., 2016). The United Kingdom's "Resolver" platform facilitates consumer complaints, emphasizing collaborative resolutions and promoting consumer participation in the mediation process. Other platforms that encourage citizen feedback, such as India's "MyGov.in", allow the populace to voice opinions, share ideas, and even contribute to policy-making (Bertot, J. C., Jaeger, P. T., & Grimes, J. M., 2010).

## Security and Privacy: Safeguarding Digital Interactions

As e-governance involves the handling of vast amounts of personal data, ensuring its security is paramount. ODR platforms, too, handle sensitive information, necessitating stringent security measures. Advanced encryption, two-factor authentication, and secure cloud storage are often integral to ODR systems, ensuring the confidentiality of the dispute resolution process (Conley Tyler, M., 2006). Australia's ODR standards emphasize the protection of personal data, upholding the country's strict data protection regulations (Australian Privacy Principles, 2014). In summation, the integration of ODR within e-governance is not merely the addition of a digital tool but a reinforcement of the foundational pillars of electronic governance. As governance models worldwide continue their digital evolution, the role of ODR in fortifying and uplifting these pillars will only become more pronounced.

ODR platforms often incorporate feedback loops, allowing users to provide input on the resolution process. This participatory element is in line with the e-governance ethos of involving citizens in governance processes. Platforms such as the UNCITRAL's ODR working group actively solicit stakeholder opinions when formulating guidelines (UNCITRAL, 2017). In summation, the symbiotic relationship between ODR and e-governance cannot be understated. As pillars of modern administrative functionality, they collectively foster a milieu characterized by efficiency, transparency, and inclusivity.

## The Urge for Incorporating Digital Mediation In E-Government Strategies

The advent of online platforms has revolutionized traditional dispute resolution mechanisms, birthing a new array of methodologies commonly referred to as Online Dispute Resolution (ODR). Recognizing its transformative potential, the United Nations advocates ODR as an effective avenue to bridge justice gaps. Consider the digital platforms within the Asia-Pacific Economic Cooperation (APEC) realm: eBay and Alibaba. E Bay, for instance, annually settles approximately 60 million disagreements, with a staggering 90% resolved autonomously through their platform's software, eliminating the need for third-party intervention (APEC Workshop, 2022). Simultaneously, Alibaba boasts an efficient ODR mechanism, attributing 80% of its successful dispute resolutions to Artificial Intelligence-driven processes (UNIDROIT, 2022). It's noteworthy that the ODR frameworks of these digital behemoths informed the formulation of the UNCITRAL ODR Technical Notes. The significance of ODR was further underscored during the COVID-19 era, offering an essential lifeline for cross-border trade amidst travel bans and judicial hiatus. Yet, despite these advancements, the vast reservoirs of AI and machine learning remain underutilized within the larger justice framework. A startling statistic from the Organization for Economic Co-operation and Development (OECD) reveals that while over 60% of global citizens can access the internet, fewer than half can access justice. ODR, therefore, emerges as the beacon, harmonizing the judicial apparatus with the digital age. In dissecting the optimal application of ODR within the APEC commercial dispute framework, this examination underscores a user-centric paradigm. It delves into the architectural nuances of ODR platforms, delineates the foundational tenets governing ODR stakeholders, highlights the intricacies of integrating ODR within judicial precincts, and sheds light on its applicability in consumer disputes. At the heart of these deliberations is the seminal UNCITRAL Technical Notes on ODR. The UN General Assembly, while lauding its embodiment of principles such as impartiality, transparency, and efficiency, has emphasized its criticality, especially for developing economies. The assembly's overarching recommendation underscores the pivotal role of these Technical Notes in sculpting robust ODR ecosystems, especially for transnational commercial transactions.

## U.S. Stance on Digital Mediation within E-Governance Frameworks

In the evolving landscape of e-governance, the United States has been at the forefront of many technological and legislative advancements. One such avenue, gaining momentum and importance, is the integration of Online Dispute Resolution (ODR) within its e-government strategy. The following is an exploration of the U.S. perspective on this critical subject. The United States has long been a pioneer in exploring technology-mediated resolutions. As early as the 1990s, the concept of ODR began gaining traction, with platforms like the Virtual Magistrate Project showcasing the potential of online arbitration (Katsh & Rifkin, 2001). Over the years, numerous U.S. states have recognized and legitimized ODR, especially in areas like small claims disputes. The Revised Uniform Arbitration Act (RUAA), adopted by many states, contains provisions that contemplate electronic communication as an acceptable medium for arbitration (Uniform Law Commission, 2000). Furthermore, institutions like the National Center for State Courts (NCSC) have been pivotal in promoting ODR for state court systems, showcasing its potential to reduce court backlogs and improve access to justice (NCSC, 2019). The American Bar Association's (ABA) has consistently highlighted the significance of ODR. Their Resolution 103, adopted in 2017, encourages courts to adopt ODR systems, especially for lower-value disputes where traditional litigation might be prohibitive (ABA, 2017). Several federal agencies in the U.S., such as the Federal Trade Commission (FTC), have shown keen interest in ODR. The FTC's exploration into ODR mechanisms is noteworthy, considering its role in consumer protection and ensuring fair business practices (FTC, 2016). Platforms like Modria, developed in Silicon Valley and utilized by several U.S. courts, exemplify the country's innovative approach to ODR. Such platforms offer tools for negotiation, mediation, and arbitration, harnessing technology to streamline the dispute resolution process (Rule & Alberstein, 2016). Despite the progressive movement towards ODR, concerns remain. Issues related to data privacy, cybersecurity, and the impartiality of automated systems have been raised. However, with transparent regulations and stringent cybersecurity measures, these challenges can be addressed (Schmitz & Rule, 2015). Given the U.S.'s progressive stance and its technological infrastructure, the future for ODR within its e-governance strategy appears promising. Continuous evaluations, technological advancements, and legislative support will likely see ODR becoming an integral part of the American justice system. The U.S. journey towards incorporating ODR in its e-government strategies offers valuable insights. By amalgamating technology with legislation, the country sets a precedent, demonstrating the undeniable potential of ODR in modern governance.

## European Union Stance on Digital Mediation within E-Governance Frameworks

The European Union (EU) has always been a keen proponent of harnessing technology to foster effective governance, with Online Dispute Resolution (ODR) sitting at the crossroads of innovation, justice, and administration. This article delves into the EU's perspective on the need for the integration of ODR within its e-government strategies. The European Union began acknowledging the significance of Online Dispute Resolution (ODR) in the dawn of the 21st century. As cross-border digital trade within the bloc expanded, the urgency for an online-centric dispute resolution system surfaced. As early as 2002, the European Commission's discourse on alternative dispute resolution (ADR) showcased the EU's forward-thinking approach towards ODR's capabilities (European Commission, 2002). By 2013, through Regulation (EU) No 524/2013, the EU established an ODR platform, aiming to provide both consumers and merchants an integrated solution for managing conflicts stemming from e-transactions, sidestepping traditional litigation (European Parliament & Council, 2013). This initiative has become a cornerstone in the EU's ambitious Digital Single Market Strategy, striving to optimize the region's e-commerce avenues. By ensuring that consumers have access to straightforward, efficient, and low-cost dispute resolution, the EU aims to bolster consumer trust in the digital market (European Commission, 2015). ODR in the EU isn't limited solely to e-commerce. The platform also plays a role in matters related to family law, particularly cross-border disputes, custody battles, and divorces. The European e-Justice portal, for instance, offers tools and information related to ODR

for such matters (European e-Justice Portal, 2019). The application of ODR in the EU isn't without its critiques. Concerns related to data protection under the General Data Protection Regulation (GDPR), potential biases in automated dispute resolution systems, and issues surrounding enforceability have been raised (Cortés, 2016). The EU is likely to further emphasize the importance of ODR in coming years. With the push for a digital transformation under the European Digital Strategy, the incorporation of more sophisticated ODR mechanisms employing Artificial Intelligence (AI) and Machine Learning (ML) can be anticipated (European Commission, 2020). For the European Union, ODR is more than just an administrative tool. It represents a synthesis of its commitment to consumer protection, judicial efficacy, and digital innovation. As the EU continues to navigate its digital future, ODR's prominence within its e-governance blueprint is undeniable.

## Evolution of E-Governance through ODR in Pakistan

Pakistan, a developing South Asian nation, has made considerable strides in its digital governance endeavors over the last few years. The proliferation of technology, combined with the increasing digital literacy rate, has opened avenues for innovative e-governance solutions. One such promising avenue is Online Dispute Resolution (ODR), a mechanism that could fundamentally reshape the way disputes are resolved in Pakistan. This article examines the Pakistani perspective on the incorporation of ODR in its e-government strategies. Justice (R) Khalil ur Rehman Khan, in 2018, emphasized the integral relationship between a robust legal framework and the success of e-commerce initiatives. He posited that addressing and mitigating tech-centric offenses necessitate a formidable legal infrastructure. Highlighting the contemporary digital challenges, he stressed the urgency for legal provisions safeguarding against unauthorized data access and breaches of personal or commercial information. This void in legal safeguards has consequently sowed seeds of skepticism amongst online consumers, underscoring the imperative of cultivating both trust and awareness at every societal tier. Notably, with internet users in Pakistan exceeding a remarkable 8.5 million and global digital commerce projections soaring to a staggering $200 billion, the call for a resilient legal edifice is both timely and paramount (Qaiser, Hameed, & Qaiser, 2021).

*Pakistan's Digital Pakistan Vision*, promulgated in 2018, offers a holistic view of transforming public services through technology. Embedded within this framework is the latent promise of introducing digital justice paradigms, wherein ODR finds its strategic locus (Digital Pakistan Policy, 2018). The *Pakistani judiciary has showcased an openness to ODR*. For instance, the Lahore High Court's deliberations about an e-arbitration center have intensified, indicating judiciary's proactive stance (Lahore High Court Annual Report, 2019). Comparative data from the UN's E-Government Development Index suggests that countries with an integrated ODR system tend to rank higher in terms of e-participation, a benchmark Pakistan aspires to achieve (UN E-Government Development Index, 2020). Notably, *the tech industry in Pakistan has been a forerunner in advocating for OD*R. Local start-ups, like 'Cyber Dispute Resolution Center,' signify the market's readiness and the potential scalability of such services. Such innovations mirror global trends, where countries with robust tech sectors, such as Estonia, have successfully integrated ODR platforms into their e-governance models (Global ODR Index, 2019). From a socio-cultural viewpoint, ODR holds transformative potential. Considering World Bank's Gender Equality Index, where Pakistan lags behind, ODR can contribute to addressing gender biases in conventional justice systems, presenting an egalitarian platform for all (World Bank Gender Equality Report, 2021). Despite its promises, challenges loom large. From infrastructural gaps to data security and public literacy about ODR, hurdles are manifold. Drawing parallels, India's Digital India campaign faced similar challenges, suggesting that regional e-governance initiatives can offer valuable lessons (South Asian E-Governance Symposium, 2019).

## Pakistan and the Global Context of ODR

The United Nations Commission on International Trade Law (UNCITRAL) recognized the potential of ODR early on. Its Model Law on Online Dispute Resolution serves as a benchmark for states aiming to harness the advantages of technology in dispute

resolution. Pakistan, in its quest for improved e-governance, stands to gain significantly by aligning with UNCITRAL's standards (UNCITRAL, 2016). Furthermore, the UN E-Government Development Index (EDGI) underscores the importance of streamlining administrative processes and making them more accessible to the public. Pakistan's ranking, while showing steady improvement over the years, emphasizes the untapped potential, especially in areas like ODR (United Nations, 2020). In the recent UN E-Government Development Index (EDGI), Pakistan occupies the 153rd position out of 193 countries, witnessing a dip from its 148th position in the preceding 2018 report. This shift prompts an in-depth analysis of Pakistan's journey in digital governance. The findings from the report suggest that Pakistan's slide can be attributed to its segmented approach to technological integration. The country grapples with challenges like underdeveloped telecommunication facilities, a pronounced digital skills void, and issues of affordability. Furthermore, concerns surrounding cyber threats, challenges in safeguarding data privacy, and a limited civic engagement in the decision-making process collectively contribute to its current EDGI standing.

This table presents a comprehensive overview of Pakistan's e-governance initiatives, policies, and projects, underlining the broader context in which ODR projects and platforms are set. The juxtaposition of these initiatives showcases Pakistan's gradual progression towards a more digitalized governance model. The need to incorporate Online Dispute Resolution mechanisms becomes clear, given the wider backdrop of rapid digital transformation.

| Policy/Project Name | Sector | Aim & Objective | Key Features/Components | Implementation Year | Outcome/Status |
|---|---|---|---|---|---|
| Pakistan Telecommunication (Re-organization) Act | Telecom | Governing Legislation | Encompasses telecom regulations | 1996 (Amended in 2005) | Enforced |
| National IT Policy | IT | Establish an IT framework | Promote IT growth and usage | 2000 | Enforced |
| De-regulation Policy for Internet Regulation | Telecom | Streamline internet services | Enhanced competition and services | 2003 | Enforced |
| Mobile Cellular Policy | Telecom | Oversee mobile communications | Define standards and operations | 2004 | Enforced |
| Broadband Policy | Telecom | Enhance broadband services | Proliferation of broadband services | 2004 | Enforced |
| Universal Service Fund Policy | Telecom | Ensure telecom for all | Funding for telecom in underserved areas | 2006 | Enforced |
| Pakistan Digital Policy | Digital Pakistan | Modernize public services | Cloud Computing and Big Data Artificial Intelligence & Robotics ICT Education | 2018 | Ongoing |
| | | | E-Justice E-Commerce E-Health E-Agriculture | | |
| Smart Village Project | Digital Transformation | Modernize rural areas | Training centers for IT tools usage in backward communities | 2021 | Initiated |
| Digital Pakistan | E-Government | Modernize public services | Aligns with the broader digital Pakistan strategy | 2019 | Ongoing |
| Punjab ADR Project | ODR | Resolve disputes at local levels | Streamline local dispute resolutions | 2018 | Positive Feedback |
| Citizen's Portal | E-Government | Strengthen public-government link | Platform for citizen feedback and grievance redressal | 2018 | Widely Used |

Pakistan's legal framework has seen a gradual but definite shift towards accommodating the digital revolution. The Electronic Transactions Ordinance, 2002, provides the foundation for electronic agreements and documentation. Given this ordinance, the incorporation of ODR would be a natural progression. Moreover, integrating ODR would mean fewer cases in traditional courts, faster resolutions, and most importantly, access to justice for remote areas. Drawing lessons from global best practices, particularly the European Union and Singapore, Pakistan has a unique opportunity. The country can forge an ODR framework that suits its socio-cultural nuances while being technologically avant-garde. Projects like the Punjab ADR initiative indicate a positive inclination towards such a transformative change. Conclusively, the pivot towards ODR in Pakistan's e-governance strategy is a compelling need of the hour. It aligns with global benchmarks, promises administrative efficiency, and most importantly, offers a more responsive governance model for the citizens.

## RECOMMENDATIONS
Pakistan, in its pursuit to redefine e-governance, must make a concerted effort to align its Online Dispute Resolution (ODR) policies more closely with international standards, particularly the Model Law on ODR by UNCITRAL. Doing so will bolster its digital mediation mechanisms, making them more credible and consistent for both domestic and international users. Drawing from the success stories of both the US and EU in their implementation of ODR, Pakistan should adopt best practices to enhance its digital mediation landscape. Such adaptation will not only cater to its unique demographic and socio-cultural context but also make it competitive at an international level. A robust digital infrastructure is the backbone of any successful ODR system. Given the substantial

advancements in the EU and US, Pakistan needs to invest in its digital infrastructure, ensuring that it is secure, reliable, and accessible to all citizens. The rapidly evolving nature of technology necessitates continuous training, especially for legal practitioners and mediators. Programs similar to the "Smart Village" initiative should be expanded to urban regions, focusing on professionals in the legal realm. One of the significant challenges in implementing ODR is the potential resistance from the public, mainly due to unfamiliarity. Comprehensive awareness campaigns should be rolled out, emphasizing the benefits and reliability of digital mediation. With numerous e-governance projects underway, there is an acute need for integration and synchronization among these projects. Such a unified approach can lead to more efficient service delivery and avoid redundancy. Given the technological expertise that resides in the private sector, partnerships can be forged to drive innovation in the ODR domain. These collaborations can provide the technological edge that Pakistan needs to make its ODR systems more efficient and user-friendly.

### CONCLUSION

In the modern era, the fusion of technology and governance is inevitable. As elucidated in our comparative analysis of the US, EU, and Pakistan, each jurisdiction provides distinct insights into the evolving realm of Online Dispute Resolution and its integration into e-governance. While the US and EU offer mature models, teeming with best practices and advanced frameworks, Pakistan presents a nascent yet dynamic landscape, rife with potential. The doctrinal approach reveals that while there are numerous challenges to overcome, particularly for Pakistan, the road ahead is paved with opportunities. The essence of digital mediation lies not just in resolving disputes but in doing so in a manner that is efficient, accessible, and most importantly, just. By heeding the lessons from each jurisdiction and constantly innovating, the dream of an all-encompassing, globally accepted digital mediation framework is not just plausible but attainable.

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