

## Pivot Model of Policy Entrepreneurship: an application of European ideas in the Global South

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### Abstract

Previous research has demonstrated that social institutions – relatively enduring norms, values and procedures important to a society – structure the behavior of policy actors. In addition, theorists have argued that interdependent networks of policy actors contribute to both institutional change – as policy entrepreneurs – and institutional stability – as advocacy coalitions. However, social scientists and legal scholars have yet to examine fully the processes by which policy entrepreneurs, embedded in networks of interdependent actors can contribute to institutional change. This chapter examines the social institutions that structure the behavior of policy actors involved in promoting the accessibility of information and communication technology for persons with disabilities in the European Union (EU), and asks, “How can policy networks provide an opportunity for policy entrepreneurs to contribute to institutional change?” Following the adoption of the United Nations (UN) Convention on Rights of Persons with Disabilities (CRPD) in 2006, ratification of the CRPD by the EU and 157 other national governments recognized the role of persons with disabilities and their representative organizations in decision-making processes, including in shaping norms and legislations that

affect the enjoyment of their fundamental rights. This chapter borrows the concept of a “pivot” – a strategic course correction – from research on technology development and entrepreneurship to argue that policy entrepreneurs can pivot by identifying the social institutions that structure the behaviors of policy actors and redirecting existing advocacy efforts to support institutional change. It illustrates the implications of the results for policy entrepreneurs in the Global South using examples from Mozambique and Kenya.

### Introduction

Previous research has attempted to explain the influence of social institutions – i.e., formal and informal norms, values and procedures – on the behavior of policy actors. This chapter refers to social institutions as the relatively enduring norms, values and procedures important to a society. For example, democratic norms and values such as political representation and government accountability influence whether, how and to what extent interest groups and other policy actors can participate in the design and implementation of public policy. Theorists have argued that interdependent networks of policy actors contribute to the stability and perpetuation of social institutions. Political scientists have [1] demonstrated that “advocacy coalitions” or informal networks of policy actors structure policy design. In contrast, other scholars[2] have argued that “policy entrepreneurs” embedded in networks of policy actors can support institutional change by introducing new ideas into policy processes. However, previous research has yet to examine fully the processes by which policy entrepreneurs, embedded in networks of interdependent actors, contribute to institutional change. This chapter asks, “How can policy networks provide an opportunity for policy entrepreneurs to contribute to institutional change?”

We aim to examine the social institutions that structure the behavior of policy actors involved in promoting the accessibility of information and communication technology for persons with disabilities in the European Union (EU). Interest organizations, advocating for disability rights in the EU, have supported the introduction of antidiscrimination legislation and ICT accessibility policies. For example, the European Disability Forum, a pan-European disabled persons' organization (DPO) has called for the introduction of EU legislation aimed at ensuring the accessibility of, among other things, ICT [3].

However, the abilities of national interest organizations to promote policy change in the EU have been limited due to what previous research argues is a “democratic deficit” [4-8]. Essentially, as a supranational government, the principal actors in the EU are Member State governments [5]. Despite the “democratic deficit” in the EU, scholars [5] have pointed out that recent trends have increased the channels for participatory processes and enabled interest organizations and other policy actors to contribute to policy design.

The EU ratified the Convention on the Rights of Persons with Disabilities (CRPD)[9] in December 2010. The CRPD is the first treaty to be ratified and endorsed by the EU. The CRPD obliges State parties to undertake - among others - proactive measures “including legislative, administrative and other measures for the implementation of the rights recognized in CRPD” (CRPD, Article 4 paragraph a). The CRPD makes it clear that “in the development and implementation of legislation and policies to implement the Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties, shall closely consult with and actively involve persons with disabilities”. (CRPD, Article 4 paragraph 3). Thus, as a normative instrument, the CRPD is a valuable tool to mitigate the “democratic deficit” in the EU Member States and to increase the participation of persons with disabilities and

their representative organizations. Participatory processes relate to the implementation of the CRPD and the role of persons with disabilities and representative organizations in decision-making processes, including in the design and implementation of legislation affecting the enjoyment of their fundamental rights (Article 4.3).

At the same time, policy entrepreneurs have contributed to institutional change by promoting ICT accessibility in public procurement standards. Despite institutional constraints in the EU, which have limited the ability of interest organizations to promote EU legislation, policy entrepreneurs, embedded in networks of policy actors, have successfully contributed to institutional change by introducing a European standard for public procurement, which aimed to promote, among other things, ICT accessibility. This Chapter argues that interest organizations in the EU have, in part, redirected advocacy efforts from promoting EU legislation to promoting European standards for public procurement. It uses the concept of a “pivot” – adopted from the literature on business and entrepreneurship – to characterize the strategic redirection of advocacy efforts, and aims to illustrate and apply the pivot concept in the Global South using Mozambique and Kenya as examples.

First, the chapter introduces a theoretical framework that provides different analytic perspectives for examining the social institutions and institutional changes that have occurred in the EU, the networks of interdependent policy actors that operate in the EU and the use of social regulations to coerce and persuade service providers to ensure ICT accessibility. Second, the chapter analyses the institutional constraints and participatory processes in the EU. Third, it examines the EU’s policy approach to regulating ICT accessibility. Fourth, it discusses the results in the context of ICT accessibility in the Global South using Kenya and Mozambique as illustrative cases. Fifth, the chapter concludes by summarizing the results.

## Analytical Framework

This Section presents different analytical perspectives for examining the role of policy networks in promoting ICT accessibility in the EU, and reviews research on social institutions, policy networks, and social regulation.

### Social Institutions

While academic literature provides multiple definitions of institutions, scholars largely concur that institutions act as structural features of society and refer to “enduring collection of rules and organizational practices” [10]. Some authors[11] differentiate between rational choice and sociological models for examining institutions and argue that rational choice institutionalism emphasizes the strategic and analytical choices of policy actors in determining policy outcomes. From a rational choice perspective, institutions structure the interactions among policy actors by constraining the choices and responses of policy actors. Scholars[11] often contrast rational choice institutionalism with sociological institutionalism, which emphasizes the cultural attitudes and values in determining organizational practices. From a sociological approach, institutions influence the choices of policy actors by structuring the expectations of policy actors and the possibilities for action. While previous research has often retained the distinction between rational choice and sociological institutionalism, some scholars[12] argue for combining institutional perspectives.

While scholars characterize social institutions as resilient and enduring, research on policy transfer has attempted to explain institutional change. According to some researchers,[13] policy transfer refers to “knowledge about policies, administrative arrangements, institutions and ideas in one political setting” that are utilized in another. Authors argue that policy transfer

involves “lesson-drawing” where policy actors will actively search for “policy solutions to new or changing problems”. [13]

This chapter combines rational choice and sociological institutionalism to examine the social institutions that structure both the interactions and expectations of policy actors and the possibilities for participating in the design of ICT accessibility policies in the EU. In addition, it uses research on social institutions as a basis for considering the role of policy entrepreneurs and policy networks in facilitating and contributing to institutional change.

### Policy Networks

Previous research has examined the influence of interdependent networks of policy actors on institutional stability, which refer to informal “networks among important policy participants” as advocacy coalitions. [1] Scholars have argued that advocacy coalitions structure policy design by translating “components of their belief systems into actual policy”. As belief systems among policy networks remain relatively stable, policy change becomes difficult. Similarly, other authors [14] argue that networks of policy actors develop a “common definition of appropriate practice”, which gives actors the “same views on the effectiveness of policy alternatives”.

Scholars have extended the advocacy coalition framework, [15] in order to explain institutional change and argue [2] that policy entrepreneurs, like business entrepreneurs, function to “discover unfulfilled needs and suggest innovative means to satisfy them”, “bear the reputational ... financial and emotional risks involved in pursuing actions that have uncertain consequences” and assemble and coordinate “networks of individuals and organizations that have the talents and resources necessary to undertake change”. Similarly, previous research demonstrates that policy entrepreneurs act as a mechanism of institutional change. Similarly,

“institutional entrepreneurs” or “high-level public and private decision makers” such as “key policymakers in the legislative and executive branches of government” or “top corporate managers” introduce new ideas that “enable or facilitate decision making and institutional change by specifying for decision makers how to solve specific problems”. [16]

Research has demonstrated that policy networks in the EU have acted as a mechanism of governance [17, 18]. The EU’s policy approach “promotes networks, participation, and inclusion ... as means to ... find effective policy solutions to major problems and overcome popular distrust of governing institutions”. [18] Some scholars have argued that an “intricate global network of public, private and mixed institutions and norms, partially orchestrated by [international organizations] and states” has contributed to “the promulgation and implementation of non-legally-binding standards of behavior, applicable directly to private actors rather than to states, in settings that have traditionally called for mandatory regulation”. [17]

This chapter uses scholarship on policy networks as a basis for examining the multitude of policy actors and interests involved in promoting ICT accessibility in the EU. In addition, it uses this research to examine the role of DPOs and policy entrepreneurs in designing ICT accessibility policies in the EU.

### Social Regulation

The academic literature has characterized social regulation as the use of legislative, financial or persuasive policies to coerce or persuade market actors to achieve social outcomes [19]. Social regulation includes “co-regulation, where responsibility for regulatory design or regulatory enforcement is shared by the regulator and the regulatees, often state and civil actors”. [20] Some scholars have examined co-regulatory processes from a “top-down” perspective in the

EU, and have argued that the EU “has made participation of civil society to the decision making process a key objective”. [5]

This chapter argues that co-regulation involves engaging non-State actors in participatory processes that contribute to policy design. Inspired by approaches used by entrepreneurs in business, we use the concept of a pivot from research on entrepreneurship. [2] In an examination of entrepreneurial experiences in the ICT industry, some scholars [21] conceptualize a pivot as “a different method for achieving your vision”. These authors have argued that entrepreneurs should consider whether to pivot when they experience a lack of progress and the success of a pivot is whether the business experiences a *post hoc* increase in productivity. Other scholars [22] have provided a complementary definition of the pivot concept stating “a pivot is not a failure”. According to these authors, a pivot is “a substantive change” enacted by an entrepreneurial leader that is “driven by ... learnings and insight[s]” from customers.

An analysis of regional educational policy in the US [2] provides a useful illustration of the pivot concept in policy design. According to the authors, the “policy entrepreneur and his allies decided to change their strategy”. While retaining “their longer-term goal of constitutional change”, they “decided first to seek a shorter term goal” by introducing a new program that took into account institutionalized norms and values [2].

This chapter refers to a pivot as the strategic use of participatory processes that contribute to institutional change. This article examines the pivot concept in relation to policy networks and social institutions and argues that policy entrepreneurs can provide the opportunity for interest organizations, embedded in networks of policy actors, to pivot by strategically redirecting advocacy efforts to support institutional change.

## Institutional Constraints and Participatory Processes in the EU

The previous section identified several analytic dimensions to examining the institutional constraints and policy networks involved in ICT accessibility. The EU provides a useful case for examining ICT accessibility as the EC has attempted to use a variety of policy instruments to regulate ICT accessibility. In addition, policy networks within the EU have participated in the design and implementation of ICT accessibility policies. This chapter examines the networks within EU Member States and the institutional changes that have occurred on both the national and supranational level. It uses qualitative data from policy documents to support the analysis.

Some scholars[23] have characterized the EU as an “economic and political partnership ... based on a series of treaties”. However, several researchers have debated whether and to what extent, the delegation of power to the EU by Member States has resulted in a “democratic deficit” [4-6, 24]. Scholars have yet to converge on a single definition or conceptualization of the EU’s democratic deficit, and as previous research has posed a variety of sometimes competing analyses of the EU’s democratic deficit, a comprehensive review of the literature is beyond the scope of this chapter. It examines in particular the EU’s democratic deficit as the result of institutional constraints that limit the participation of policy actors in policy design.

### Democratic Deficit

Researchers[4] have argued that “the shortcomings of [the EU’s] institutional arrangements” have resulted in a democratic deficit. In other words, while representatives in the European Parliament are directly elected, membership in the European Commission and Council of Ministers is not subject to direct election and thus produces a democratic deficit. Thus, authors have suggested that the EU’s democratic deficit results from the formal and informal norms

values and procedures of the EU institutions that constrain the ability of the electorate to hold those institutions accountable.

Authors[4] also argue that “public interest-orientated” proponents have characterized the democratic deficit as unproblematic, since “democratic accountability plays a diminished role in the operation of most states”. Ultimately the author argues that “means need to be found for enhancing the democratic accountability of EU decision-makers” and concludes that “the current limitations of EU democracy place democratic limits on what the EU should do—even in the name of rights or the public interest”.

Other scholars have provided a useful counterargument to these claims. While these authors recognize the EU’s democratic deficit as a disjunction between the EU’s “power and electoral accountability”, others provide a more nuanced analysis and characterize the democratic deficit as “a lack of procedural ... or ‘input legitimacy’”. These authors relate the EU’s democratic deficit to participatory processes stating, “those who are affected by a norm have somehow been included (and have the right to be included) in the process of its formulation”. The authors argue further that input legitimacy “depends on mechanisms and procedures that are able to include the will of the people in decision-making and then translate it into political decisions”. Authors have analysed several formal and informal “channels” where civil society actors may contribute to policy design as advisors and consultants. Thus, according to these authors, participatory processes may mitigate the EU’s democratic deficit.

In the context of the CRPD, the EU could apply two approaches to mitigate the democratic deficit. First, since members of the EU, like in many other regional economic bodies, are not elected, the appointments should consider representation of persons with disabilities. Secondly, persons with disabilities and their representatives’ organizations should be consulted

throughout the process of drafting policy and legislation. This chapter focuses on the participation of persons with disabilities and their representative organizations, and therefore, the next section analyses the participatory processes that have influenced policy design in ICT accessibility for persons with disabilities.

### Participatory Processes

The previous section has demonstrated that the EU's democratic deficit has resulted in institutional constraints that have limited, in part, the participation of policy actors in policy design. However, previous research demonstrates that participatory processes provide a useful mechanism for mitigating the EU's democratic deficit and can act as a basis for policy actors to contribute to policy design [7]. Scholars[5] have examined, among other things, consultation processes as a mechanism for policy actors to participate in EU decision-making. According to the author, "consultations are soft tools mainly used by the Commission to receive technical knowledge and identify interests and needs of interested parties before developing legislative proposals". The author states that consultations are "open to stakeholders, interested parties and the wider public", which allows "for a wide range of actors ... include[ing] public authorities, business, associations of different kinds as well as individual citizens to participate".

However, consultations may also represent a superficial means for participation. As some scholars[5] have pointed out consultations are often used when "the Commission demands approval for decisions which have been already taken, without offering adequate space and time to give meaningful input". In addition, consultations often only involve a select group of policy actors. According to the author, "[t]he composition of civil society that participates [in] consultations at the EU level is largely dictated by which groups and associations the Commission

chooses to fund and, often, creates”. For example, the author argues that the “European ‘platforms’ ... are collective subjects composed of umbrella organizations, which constitute fora for discussion and provide a synthesis among different positions of different actors in a specific field on a named topic”. The author further argues “[p]latforms are not participatory tools ... they are networks of [civil society organizations] ... not directly funded by the EU, but heavily incentivised by the EU and the CSOs that are part of them are heavily subsidized through EU funds”.

One such platform, the European Social Platform, “was created ... with a direct remit to campaign for a European civil dialogue” and includes the European Disability Forum (EDF). The EDF is a pan-European disability advocacy organization, funded in part by the EU and made up of DPOs from throughout Europe. The participation of persons with disabilities also relates to the ability of these groups to participate meaningfully in decision-making processes. The Committee on the Rights of Persons with Disabilities (the Committee) has issued the General Comment on Article 9, based on State reports from developing and developed countries. The Committee noted “the lack of involvement of persons with disabilities and their representative organizations in the design, implementation and monitoring of accessibility standards, and absence of effective complaint and remedy mechanisms” (General Comment, Article 9). Despite the existence of forums for participation, the ability to participate meaningfully in these forums is limited in many contexts – particularly in developing countries. Persons with disabilities and their representative organizations sometimes lack the knowledge and expertise on issues of ICT accessibility required to participate in standardization.

The next section examines the EU’s approach to regulating ICT accessibility where advocates such as the EDF have encountered institutional constraints in lobbying for EU

legislation and where national policy actors have used participatory processes in standardization to engage in policy design.

### Regulating ICT Accessibility in the EU

The EU has a tradition of promoting ICT accessibility through persuasive policies. In 2010, the EU published the European Disability Strategy 2010-2020, which aimed to promote the rights of persons with disabilities in many areas including access to ICT. As part of the European Disability Strategy 2010-2020, the EU proposed to use legislative and other policy instruments including standardization to promote ICT accessibility. In 2011, the EC issued a consultation and roadmap for a European Accessibility Act (EAA) – a legislative initiative that aims to improve “both from the demand and supply side, the markets for goods and services that are accessible for persons with disabilities”. However, despite efforts on behalf of EDF and DPOs in Europe to lobby in support of the EAA, the EU has yet to legislate.[25]

While the EU’s democratic deficit has, in part, limited the influence of national interest organizations in promoting the EAA, participatory processes have allowed national policy actors to participate as co-regulators in the design of European ICT accessibility standards. The EU uses standards as an instrument of social regulation.[26] Standardization in the EU typically involves a variety of civil society actors including businesses and interest organizations as both consultants and co-regulators. Thus, EU standardization provides a mechanism for civil society actors to participate in policy design.

In 2005, the EU issued a standardization mandate (M 376) to the European Standards Organizations (ESO)[27] in support of ICT accessibility requirements for public procurement.[28] According to the European Commission, Inmaculada Placencia-Porrero

maintains responsibility for the standardization mandate. Placencia-Porrero has promoted the rights of persons with disabilities in the EU since the 1990's by initiating policy reforms to promote among other things, ICT accessibility. While the EU is not formally involved in the design of standards beyond issuing a mandate to the ESO, the EDF acted as a consultant throughout the process. Nonetheless, the development of the M 376 standards principally involved national standards organizations, interest organizations and businesses. AENOR, the Spanish national standards organization led the development of the M 376 standard, and among the interest organizations involved, two Spanish interest organizations, Fundación ONCE and their subsidiary Technosite, participated directly in the design of the M 376 standard. Both Fundación ONCE and Technosite were also involved in the design of ICT accessibility standards in Spain, which were used to justify the enactment of ICT accessibility legislation.

### Discussion of ICT Accessibility in the Global South

How can institutional constraints in the EU inform the promotion of ICT accessibility in the Global South? This chapter argues that the salience of the pivot concept is further emphasized when it is applied to interest organizations in the Global South, where financial resource constraints combine with institutional constraints to limit the opportunities for both State and non-State actors to participate in policy design and support institutional change. It argues that while an enabling normative framework at national level exists both in Mozambique and Kenya, in practice effective and meaningful participation of persons with disabilities and representative organizations remains a challenge.

The section attempts to probe the application of the pivot model by applying the model to the Global South. The section examines whether the model may be useful for explaining not only

the participation and influence of DPOs in ICT related policies in the EU, but also, when applied to countries in the Global South, whether the model may be used to examine both ICT accessibility and social development efforts. This section broadens the application of the pivot model by addressing social development factors in the Global South including affordability of ICT related products, Global South power relations as recipients of technology and elements of international cooperation.

The EU though an economic body, has made substantial legislative efforts to promote and protect human rights. In contrast, most regional economic bodies in the Global South focus primarily on economic and political integration[29] and human rights issues are considered social issues and thus, remain at the periphery.

In East Africa for example, where Kenya is a member state of the East African Community (EAC), the treaty of establishment of the East Africa Community in Article 120c calls upon States to “closely cooperate themselves in social welfare with respect to among others the development and adoption of a common approach towards disadvantaged and marginalized groups including ... persons with disabilities”. Article 39 further places individual responsibilities on member states to “harmonise social policies in areas including promotion of equal opportunities and gender equality”. Regarding accessibility, the EAC policy on persons with disabilities (2012), which was formulated as part of the collective responsibility to provide welfare to marginalized groups, provides that the Community shall ensure the development of disability friendly facilities and infrastructure, promote the use of sign language, braille and establish a tax-free provision for all equipment that promotes access for persons with disabilities, including equipment and motor vehicle (Section 6.4). In addition, the policy recognizes the participation of persons with disabilities in decision-making process including in policy design,

implementation and monitoring. However, this remains only as a policy reference as there is marginal implementation.[30]

Further, a closer analysis of the Treaty of Establishment indicates that the Treaty encourages a voluntary approach, where partner States “closely cooperate” on social issues. In the absence of a mandatory requirement on issues of human rights in the regional framework, governing economic bodies can be seen as one of the reasons as to why partner states mainly refer to international, regional and national laws policies on human rights issues as opposed to regional economic framework.[31] The analysis of institutional constraints therefore shifts from regional to national where most decision-making processes, in relation to issues of persons with disabilities occur. It is vital to note that both in Kenya and Mozambique, the right to information and accessibility is recognized constitutionally[32] and under specific legislations or policy on human rights for persons with disabilities.[33] Regarding participation, the Constitution of Kenya, provides an opportunity to ensure the participation of persons with disabilities in key decision-making processes including on ICT accessibility issues. Under Article 10 on national values and principles of governance, the Constitution binds State organs, State Officers , Public officers and all persons whenever applying the Constitution or making or implementing public policy decisions to ensure participation of people and protection of the marginalized including persons with disabilities. The Constitution further requires that persons with disabilities make up 5% of elective and appointive positions in public bodies (Article 54 (2)) and elective posts (Article 97 (1) (c), 98 (1), (c) (d)). This quota system presents persons with disabilities the opportunity to participate in policy design as legislators as well as in public bodies such as standards organizations and advisory commissions. However, while normatively the law safeguards participation of persons with disabilities and their representative organizations in key

decision-making processes including ICT accessibility policies – in practice the implementation of the law is limited. In response to a review by the Committee on the Rights of Persons with Disabilities,[34, 35] DPOs in Kenya describe consultation processes as “ad hoc episodic interfacing meetings and consultations with DPOs umbrella bodies including the Kenya National Association of the Deaf, United Disabled Persons of Kenya and the Association of the Physically Disabled of Kenya; but whose outcomes are not binding on participants, including policy makers; and in most cases remain un-implemented or enforceable with no accountability”.

In Mozambique, the Policy for Person’s with Disabilities recognizes the right to influence, as an individual and as an organization, all decision-making processes that affect the life of persons with disabilities. Further, the strategy on employment in the public sector for persons with disabilities provides for the gradual adoption of employment quotas for employment of persons with disabilities in the public sector. In addition, the Forum of Mozambican Association of Disabled Organization (FAMOD),[36, 37] acts as a representative of all DPOs and is a member of National Council for Persons with Disabilities (CNAD). CNAD coordinates governmental programs across all relevant governmental departments, and is led by the Ministry of Women and Social affairs – the entity responsible for the implementation of disability law and policy.

The challenge is however, while Kenya and Mozambique have established this mechanism of participation, there are structural factors that limit the participation of DPOs in the decision making process related with ICT. For instance, in Mozambique previous research suggests that civil society has marginal influence on law and policy design processes concerning ICT [38]. Because the State budget is financed, in part, via direct budget support[39] and democratic institutions are insufficiently developed, the Government tends to be accountable to

donors, rather than civil society and other institutional actors such as the Mozambican parliament [38]. Therefore, the involvement of persons with disabilities in ICT policy design in Mozambique is limited. Some authors[38] recommend establishing specific participation mechanisms for civil society in decision-making processes for ICT policy and law, including monitoring and implementation.

Further, while in EU Member States consumer adoption of ICT is high, in Mozambique it is still an emerging market. In general there are few - if any - civil society organizations (CSO) working on issues of ICT [38]. Among DPOs there is limited understanding of accessibility as prescribed in the CRPD. The law and policy typically addresses accessibility in the built environment and neglects ICT accessibility.[36, 37, 40] DPOs lack expertise on law and policy reform concerning ICT accessibility, and therefore, there is an urgent need to develop the capacity of DPOs at the local and national level [41]. The situation is similar for Kenya [42].

The lack of a welfare state in Kenya and Mozambique, like other countries in the Global South, offers only minimal protections to its citizens and persons with disabilities receive limited state support, if any.[43] Ensuring ICT accessibility requires both consultative and participatory processes whose goals are to achieve norms and standards that promote accessible ICT and a user population that is able to afford the services hence experience the benefits.[44] For instance, despite recent positive economic performance, the World Bank still considers Mozambique a low-income country, where more than half of the population lives on less than a dollar per day [45]. Further the National Institute of Statistics estimated that only 26% of the Mozambican population have access to electricity [46]. Thus, a large proportion of the population cannot afford the costs of ICT, such as computers and Internet services.

In cases where citizens can afford ICT, constraints associated with lack of infrastructure further limit access to ICT. The Research ICT in Mabila study, part of the Research Africa Initiative, provides data that supports this argument. For instance, the number of people with access to fixed telephone (teledensity) is estimated at 0.4%, mobile penetration 33.1%, while for internet users it is fixed around 4.8%.[47] In addition, evidence suggests that the initial State strategy on ICT was mainly focused on the State apparatus (e-Government, State Financial Management System) and expanding ICT services to communities in rural areas (telecenters) [38, 48]. However, these investments have yet to address issues of ICT accessibility for persons with disabilities. In such a scenario, economic empowerment programmes and opportunities are vital. Access to gainful education and employment is a key contributor to promoting accessible ICT. This implies that discussions about ICT accessibility in the Global South must go beyond participation in policy design and must involve persons with disabilities in social development programs.

As recipients of technology produced by companies based in the Global North, the governments of Kenya and Mozambique enjoy less influence over global ICT markets and thus, consumers have less choice in purchasing ICT products and services. This translates to less negotiating power in terms of ICT policies. As consumer products are imported from the Global North, consumers living in States from the Global South can only purchase products made available to their market. For example, Apple products are often considered to have high-quality accessibility features. However, the average cost of an Apple iPhone would be around 300 EUR, which is typically not affordable for many persons with disabilities in Kenya who may be unemployed and living in poverty [42]. Income per capita is one of the factors that affects supply of mobile phones.[49] The supply of iPhones on the Kenyan market will therefore be lower

compared to other mobile phones, which may not have similarly high-quality accessibility features. As a result, people that rely on accessibility features to use their mobile phone, such as the blind or partially sighted, do not have access to consumer technology on an equal basis with others.

From the discussion above, it is evident that there are a number of challenges specifically affecting the Global South when it comes to ensuring ICT accessibility. The CRPD as a tool for achieving human rights of persons with disabilities presents an innovative solution to resolving these challenges. Article 32 of the CRPD requires States Parties to cooperate internationally and Article 33 requires the establishment of national monitoring mechanisms. National efforts to achieve ICT accessibility can be promoted through exchange programs and information sharing as well as through the provision of technical and economic assistance. CSO may influence international partners to adopt ICT accessibility law and policy. For instance, using donor agreements with the Governments in the Global South to ensure the acquisition of accessible products and services. Through Article 33 (2), national human rights institutions can be used as an agenda-setting tool by emphasizing the need to prioritize ICT accessibility through its key role of promotion, protection and monitoring of human rights of persons with disabilities.

Thus, though both Kenya and Mozambique ensure that participatory processes exist, which enable DPOs to contribute to decision-making in ICT accessibility policy, the experiences of DPOs suggest that these processes may not ensure meaningful participation. The pivot model suggests that DPOs in Kenya and Mozambique may strategically redirect their efforts from existing participatory forums to new or more meaningful efforts to ensure ICT accessibility. This section suggests that DPOs may pivot by focusing on structural factors that limit participation in five ways. First DPOs could strategically redirect their efforts to promoting government

accountability. Second, DPOs could support capacity building and competence in ICT accessibility among civil society organizations. Third, DPOs could support social development programs that promote ICT infrastructure investment. Fourth, DPOs could support the importation of low-cost accessible ICT, and fifth, DPOs could help ensure that international development programs promote ICT accessibility by requiring accessibility in donor agreements. While each of these efforts require investment and come with differing costs and benefits, DPOs could nonetheless strategically redirect their efforts to take advantage of these opportunities for further promoting ICT accessibility in Kenya and Mozambique.

## Conclusion

This chapter argues that social institutions constrain the behaviors of interest organizations in the EU. Policy entrepreneurs supported institutional change by providing opportunities for interest organizations to introduce ICT accessibility into public procurement standards. However, to participate in standardization, interest organizations must leverage the interdependent relations within policy networks, which enabled Fundación ONCE and Technosite to pivot by redirecting advocacy efforts to promoting institutional change in the EU.

We further argue that policy entrepreneurs provide opportunities for interest organizations to pivot by leveraging network relationships to participate in policy design and support institutional change. While the EU's democratic deficit has, in part, limited advocacy efforts by the EDF to promote EU legislation for ICT accessibility, participatory processes provided an opportunity to enhance ICT accessibility through standardization. As a policy entrepreneur, Inmaculada Placencia-Porrero prompted institutional change by initiating the development of the M 376 standards. National interest organizations, including Fundación ONCE and Technosite

participated in the development of the M 376 standards. This chapter argues that these actors pivoted from the broader strategy to legislate for ICT accessibility to promoting ICT accessibility through standardization.

In addition, the Global South presents a unique scenario where, at the moment, national focus on ICT accessibility will be a more viable strategy than regional advocacy efforts. Therefore, ICT accessibility in the Global South will to a certain extent depend on the level of regulation and efficacy of ICT law and policy in the Global North. While on paper, opportunities for participation of CSO's and persons with disabilities in policy design may be clear, ultimately it depends on how well versed the key state institutions (legislature, executive and judiciary) are on the rights of persons with disabilities - including ICT accessibility; and the ability and capacity of DPO's to meaningfully and effectively influence decision-making processes.

In addition, development efforts in the Global South are typically financed by international organizations. This chapter argues that ICT accessibility advocates in the Global South could pivot by redirecting efforts to advocating for socially responsible use of donor funding. International cooperation is required by the CRPD and international donors are part of a global network of policy actors. With support from policy entrepreneurs within international development organizations, national interest organizations in the Global South could support institutional change by participating in the design of an organizational policy that requires all technology-based funding be subject to an accessibility review.

## Notes

1. Sabatier, P.A. and C.M. Weible, *The Advocacy Coalition Framework: Innovations and Clarifications*, in *Theories of the policy process*, P.A. Sabatier, Editor. 2007, Westview Press: Boulder, Colo.
2. Mintrom, M. and S. Vergari, *Advocacy coalitions, policy entrepreneurs, and policy change*. *Policy studies journal*, 1996. **24**(3): p. 420-434.
3. EDF, *Draft EDF Response to the Public Consultation with a View to a European Accessibility Act*. 2012, European Disability Forum.
4. Bellamy, R., *Still in Deficit: Rights, Regulation, and Democracy in the EU*. *European Law Journal*, 2006. **12**(6): p. 725-742.
5. Ferri, D., *Participation in EU Governance: A "Multi-Level" Perspective and a "Multifold" Approach*, in *Better Governance*, F. Palermo and C. Kropp, Editors. 2014, Springer.
6. Follesdal, A. and S. Hix, *Why there is a democratic deficit in the EU: A response to Majone and Moravcsik*. *JCMS: Journal of Common Market Studies*, 2006. **44**(3): p. 533-562.
7. Greenwood, J., *Organized Civil Society and Input Legitimacy in the EU*, in *Democratic Dilemmas of Multilevel Governance: Legitimacy, Representation and Accountability in the European Union*. *Transformations of the State*, J. DeBardeleben and A. Hurrelmann, Editors. 2007, Palgrave Macmillan.
8. Majone, G., *Europe's 'democratic deficit': The question of standards*. *European law journal*, 1998. **4**(1): p. 5-28.
9. *United Nations. 2006. Convention on the Rights of Persons with Disabilities and Optional protocol*. New York: United Nations.
10. March, J.G. and J.P. Olsen, *Elaborating the "New Institutionalism"*, in *The Oxford handbook of political institutions*, R.A.W. Rhodes, S.A. Binder, and B.A. Rockman, Editors. 2006, Oxford University Press: Oxford; New York. p. 3-20.
11. Hall, P.A. and R.C.R. Taylor, *Political Science and the Three New Institutionalisms*. *Political Studies*, 1996. **44**(5): p. 936-957.
12. Hall, P.A., *Historical Institutionalism in Rationalist and Sociological Perspective*, in *Explaining institutional change : ambiguity, agency, and power*, J. Mahoney and K.A. Thelen, Editors. 2010, Cambridge University Press: Cambridge; New York.
13. Dolowitz, D. and D. Marsh, *Learning from Abroad: The Role of Policy Transfer in Contemporary Policy-Making*. *Governance*, 2000. **13**(1): p. 5-23.
14. Braun, D. and F. Gilardi, *Taking "Galton's Problem" Seriously*. *Journal of Theoretical Politics*, 2006. **18**(3): p. 298-322.
15. Sabatier, P.A., *An advocacy coalition framework of policy change and the role of policy-oriented learning therein*. *Policy sciences*, 1988. **21**(2-3): p. 129-168.

16. Campbell, J.L., *Institutional change and globalization*. 2004, Princeton, N.J.: Princeton University Press.
17. Abbott, K. and D. Snidal, *International regulation without international government: Improving IO performance through orchestration*. *The Review of International Organizations*, 2010. 5(3): p. 315-344.
18. Bevir, M., *Democratic governance*. 2010, Princeton, N.J.: Princeton University Press.
19. Bemelmans-Videc, M.-L., R.C. Rist, and E. Vedung, *Carrots, sticks and sermons : policy instruments and their evaluation*. 1998, New Brunswick, Nj: Transaction Publishers.
20. Levi-Faur, D., *Regulation and regulatory governance*, in *Handbook on the Politics of Regulation*, D. Levi-Faur, Editor. 2011, Edward Elgar Pub.: Cheltenham.
21. Reis, E., *The Lean Startup*. New York: Crown Business, 2011.
22. Blank, S.G. and B. Dorf, *The startup owner's manual: The step-by-step guide for building a great company*. 2012: K&S Ranch, Incorporated.
23. Waddington, L. and G. Quinn, *European yearbook of disability law. Volume. 2*. 2010, Antwerp; Oxford: Intersentia.
24. Norris, P., *Representation and the democratic deficit*. *European Journal of Political Research*, 1997. 32(2): p. 273-282.
25. *The EU has mainstreamed ICT accessibility as a requirement in certain policies and programs. However, the EU has yet to establish a legal obligation for private sector enterprises to ensure ICT accessibility. For more information see Ferri, D., & Giannoumis, G. A. (2014). A reevaluation of the cultural dimension of disability policy in the European Union: The impact of digitization and web accessibility. Behavioral Sciences & the Law, 32(1), 33-51. .*
26. Egan, M.P., *Constructing a European market : standards, regulation, and governance*. 2001, Oxford; New York: Oxford University Press.
27. *The ESO consist of three pan-European standards organizations.*
28. European Commission, *Standardisation Mandate to CEN, CENELEC AND ETSI in Support of European Accessibility Requirements for Public Procurement of Products and Services in the ICT Domain M 376 - EN, 7 December*. 2005, Commission of the European Communities Brussels.
29. Kouassi, R.N.G., *The itinerary of the African integration process: An overview of the Historical Landmarks*. *African Integration Review*, 2007. 1(2): p. 1-23.
30. *According to personal communication between one of the authors and an individual who participated in the formulation of the policy, "since the formulation of the policy in 2012, there is no evidence of subsequent plans to ensure the operationalization of specific clauses", which, this chapter argues, is due to a lack of funds and support staff within the EAC to drive the disability agenda and the*

*emphasis of individual member states to responsibly implement the policy at the national level. Moreover, the efforts to harmonize disability issues within the region is currently being conducted by the Eastern Africa Federation of the Disabled (EAFOD) which is a DPO.*

31. *For example in submitting its initial State report to the Committee on Rights of Persons with Disabilities, Kenya lists all the international and regional treaties and Conventions, but does not mention the East African Community Policy on Persons with Disabilities (2012) which forms part of its disability policies as a member state of the East Africa Community.*
32. *See Article 54, Constitution of Kenya 2010 and Section 154 Mozambique Constitution.*
33. *See Política da Pessoa Portadora de deficiência, 1999, Lei do Acesso a Informação, 2014.*
34. *Committee on the Rights of Persons with Disabilities (2015), Replies to list of issues Kenya, information from civil societies organizations, CRPD/C/KEN/Q/1 available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=995&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=995&Lang=en) accessed on 22 August 2015.*
35. *Committee on the Rights of Persons with Disabilities (2014), Initial reports of States Parties due in 2010-Kenya, CRPD/C/KEN/1.*
36. *FAMOD (August, 2013), Position Document on Revision of Mozambican Constitution, submitted to Ad-Hoc Commission for revision on Mozambican Constitution.*
37. *FAMOD (May, 2014), Access Audit Report, submitted to Ministry of Women and Social Affairs.*
38. *Gaster, P., et al., Inclusão Digital em Moçambique: um desafio para todos. CIUEM, Maputo, 2009.*
39. *“A method of financing a partner country’s budget through transfer of resources from a donor to a partner government’s treasury”. Memorandum of Understanding Between Government of Mozambique, and the Provision of General Budget Support, (May, 2009).*
40. *Manhique, J (2015 Unpublished), Accessibility Decree in Mozambique: weaknesses and opportunity to improve the implementation.*
41. *OSISA, Country Report, Mozambique. 2012, Open Society Initiative for Southern Africa. p. 35-40.*
42. *Kenya National Commission on Human Rights, From Norm to Practice: A status report on implementation of rights of persons with disabilities. 2014.*
43. *Kamundia, Elizabeth (2012), Choice, Support and Inclusion: Implementing Article 19 of the CRPD in Kenya (LLM Thesis, National University of Galway-Ireland).*

44. *Nthenge M (2015 Unpublished), Right to Accessibility for Persons with Disabilities in Kenya. Exploring Legislative framework on Accessibility; A means to an end?*
45. World Bank. *Mozambique*. 2015 [24 May 2015]; Available from: <http://data.worldbank.org/country/mozambique>.
46. Instituto Nacional de Estatística, *Caderno de Informal Rapida*. 2014.
47. *Mabila, F (2013), Understanding Whats Happen in ICT in Mozambique, A supply- and demand- side analysis of the ICT sector,* <[http://www.researchictafrica.net/publications/Evidence\\_for\\_ICT\\_Policy\\_Action/Policy\\_Paper\\_10 - Understanding what is happening in ICT in Mozambique.pdf](http://www.researchictafrica.net/publications/Evidence_for_ICT_Policy_Action/Policy_Paper_10_-_Understanding_what_is_happening_in_ICT_in_Mozambique.pdf)>.
48. CPIInfo, *Estratégia de governo electrónico de Moçambique: colocar os serviços públicos junto do cidadão, UTICT, Maputo*. . 2005.
49. Aker, J.C. and I.M. Mbiti, *Mobile phones and economic development in Africa*. Center for Global Development Working Paper, 2010(211).