CAN PEOPLE HELP LEGISLATORS MAKE BETTER LAWS?

Yes, citizens can make a difference. In a parliamentary democracy, people place their trust in representatives to formulate laws and oversee the Executive branch. A major reason for this system is the difficulty of practicing direct democracy in a contemporary mass society. The individual has too weak a voice to have an impact. However, current information and communication technology (ICT) can act like steroids, enabling us to pump up individual voices, and foster a greater and more direct interaction between society and parliaments.

One instance of how this kind of high-tech participatory vitamin affects old-fashioned politics is the e-Democracia Project in Brazil. Launched in June 2009 by the Brazilian House of Representatives, e-Democracia aims to engage the citizens in the lawmaking process to achieve tangible legislative results.

Relying on the use of social media, combined with offline legislative events (e.g., committee hearings, conferences), the initiative is intended to reach a broad segment of the public, including citizens, parliamentarians, civil servants, researchers, nongovernmental organizations and interest groups.

The program is a kind of crowdsourcing for legislative purpose. In particular,
the e-Democracia website attracts and draws together the diffuse participation of individual citizens and minority groups. The main goal is to permit easier access to the decision-making process by citizens who are not associated with strong interest groups or corporations that usually lobby for access to the center of power in Brasilia where the national government is located.

But it faces a major challenge in a huge country with a great digital divide: how do we engage offline Brazilians in the lawmaking process? Actual participation by an Amazon forest native highlights a possible path with which to create a direct linkage between out-of-power communities and the legislature. I explore this further in this article as it illustrates wonderfully that more inclusive participation to support digital participatory experiments expressed in government websites depends on many other issues.

e-Democracia is driven by a belief that the lawmaking process can benefit from the convergence of political representation and citizen participation in a virtuous cycle in which one model strengthens the other. The backbone of the initiative is its website (www.edemocracia.gov.br), which provides multiple participatory mechanisms with which citizens can:

• Share information about a problem that needs to be addressed by law;

• Identify and discuss possible solutions to the problem; and

• Draft the bill itself.

Since June 2009, e-Democracia has acquired five virtual thematic legislative communities (TLC), 23 forums, 106 topics, 624 contributions and 3151 registered participants. The most successful experiment so far has been the youth statute community. As a result of this community, ideas and suggestions delivered by youngsters throughout Brazil have been taken seriously by (some) policy-makers and, in fact, reflected in the draft of the bill, not yet passed.

The Project Development

Why are effective e-participation experiments in public organizations so scarce? Bureaucracy and political arrangements block innovation in the public sector in ways that are almost too numerous to recount. In the e-Democracia case, the project began as a pilot initially developed by technicians that achieved to convince
the House of Representatives’ political and administrative board for an experimental period.

e-Democracia was born in a heterogenic group of what I consider to be “organizational activists.” Consisting of young multi-tasking legislative officials and external consultants who are skilled in virtual communities at other governmental bodies, this group intended to bring more transparency and participation to the legislative process.

That purpose should meet the same digital social activists’ dreams for a more open government and parliament. In this more institutional approach, participatory experiments created within public organizations would serve to “open doors to society.” Dismantling the red tape presents a complex challenge and must overcome great political resistance. That’s the reason that this kind of project needs people who know the legislative process.

Initially, this group mapped out electronic legislative experiments worldwide. Most of them consisted of blogs, forums and opinion polls without a more structured deliberative process at the lawmaking stage. After months of brainstorming, an approach was found. It is to adapt the mechanism of virtual communities of practice to the formulation of laws to engage a broader segment of society in debates of national legislative issues.

The first main challenge was to convince lawmakers to accept the project. With the support of the superior administrative board, the e-Democracia staff held several meetings with representatives and social groups to present the project and obtain initial reactions. Surprisingly, most of the representatives received the idea with enthusiasm as they perceived it as an opportunity to make their work more visible. On the other hand, the social groups wanted a stronger interaction with Parliament.

After months of an intense process of persuasion, the Speaker of the House, Representative Michel Temer, authorized the development of a beta version for an experimental period. The next challenge was the selection of 3 to 5 legislative bill subjects to discuss during the June 2009 to June 2010 pilot period. There were two major elements necessary for success. 1. the potential engagement of representatives in the digital discussions and 2. the issues needed to be “hot”, i.e., subjects that a
significant segment of Brazilian society urgently wanted to discuss, instead of more secondary issues.

Several conversations between a couple of representatives, the administrative board, the e-Democracia staff and legislative consultants resulted in the selection of two major ongoing bills from the many possibilities due to their importance and political momentum. They were the Climate Change Policy and Youth Statute. Now e-Democracia added two more – the Lan House Bill and the Space Policy (Yes, Brazil is discussing how to develop structural mechanisms to explore the space!).

At the moment, a new system for selection of future discussions is under study. One alternative is to base the selection on opinion polls at the e-Democracia website. In the Citizen Room, a virtual space for free discussions, participants propose different legislative issues. They have already suggested about 45 new themes for the following potential thematic legislative communities.

How does e-Democracia engage people?

Since the launching of e-Democracia on June 2009, its team has invested in several strategies to promote the website and engage a broader group of participants. First, articles about the e-Democracia initiative were published in the national electronic newspapers. Its website is accessible and open to anyone who completes a simple registration process. There is also a link to it at the House’s website.

Second, the e-Democracia team sent out invitations to thematic blogs and social networking websites to engage people (e.g., environmentalists and youngsters) who are interested in those specific subjects. Third, the e-Democracia team posts daily messages in the e-Democracia’s accounts at Twitter and Orkut (more popular than Facebook in Brazil).
Multiple Participatory Mechanism: forums, chats, events, Wikilegis and other applications.

The uniqueness of e-Democracia makes comparisons challenging because there are not many similar experiments worldwide at present that, while allowing public posting or comments, don’t allow further deliberation among participants and politicians. Chilean Virtual Senator is somehow similar, but more limited with great participation, but less deliberation.

I share the preliminary conclusions from an initial analysis of that experiment. Although e-Democracia might make it possible to engage people in the lawmaking process, there are still several obstacles to overcome.

1. Real impact on bill drafts

One important issue that normally causes digital participation to fail is the lack of connection between people’s contributions and how laws are actually drafted. Writing legal text involves great technical complexity. e-Democracia has minimized this problem by engaging the assistance of legislative consultants, who serve,
Participants of the youth statute TLC have posted comments and discussed several ideas during recent months. Legislative consultants summarized this participatory content and presented it to the lawmaker in charge of drafting the bill. After her approval, the legislative consultants transformed her suggestions into legal text. Then, the lawmaker herself submitted it to the Youth Affairs Committee.

Here are some specific examples.

<table>
<thead>
<tr>
<th>Participants’ contributions</th>
<th>Congressmen’s acceptance + “technical translation”</th>
<th>Youth Statute Bill draft <em>(PL nº 4.529/2004)</em></th>
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| Participants wanted greater investment in internships and other professional programs for undergraduates, as well as greater flexibility in working conditions for students. | “art. 19. The action of the State to make effective the rights of youngsters to professionalization, labor and income includes the following measures: 
III – an offer of special conditions of labor by matching the professional and educational schedule; 
...........................
VI – the application of instruments of legal accountability for relevant organizations; 
VII - the creation of special credit for working students; 
...........................
IX - the introduction of apprenticeships in public administration.” | |
| Participants have cried out for greater empowerment of the local youth councils, bodies composed of youth representatives, politicians and experts. | “Art. 46 The youth councils are permanent and autonomous bodies committed to formulating policies for the youth and guaranteeing effective implementation of the rights of the youth. 
Art. 47 The youth council duties are: 
I – informing the General Attorney of any criminal infraction committed against youngsters; 
...........................
IV – requesting information about matters of youth policy from public authorities; 
V – advising the government on the formulation of youth policy;” (and other measures). | |
2. Multiple participatory mechanisms

People in contemporary societies have very diverse interests, experiences, expertise and values. In my opinion, the great challenge in making social participation feasible is to find out how to take advantage of such diversity and incorporate it in the policy-making system. The engine behind e-Democracia is a ‘multiple participatory mechanism,’ a kind of electronic, permeable sponge that enables people to share their professional experience and expertise, express their personal and collective interests and values, and foster creative ideas in different forms and intensity, in all phases of the policy-making cycle.

In a real democratic public arena, participatory platforms should encourage any contribution that citizens are able to make, or want to deliver. Some people are interested in discussing ideas at public forums and others simply want to offer useful and strategic information for legislative decision-making, or vote to rank the best ideas, and so on. Furthermore, many people might just want to watch and follow the legislative debate.

e-Democracia also offers a specifically designed application to stimulate legislative participation in a collaborative environment. In the Wikilegis, users can elaborate their own version of a bill or suggest amendments to existing bills while simultaneously discussing and qualitatively evaluating bill proposals.

![Wikilegis application](image_url)
Thus, any kind of input should be taken into consideration. By “crowdsourcing” ideas, arguments and information, politicians will be able to better diagnose targeted public problems in the current political agenda. In simple words, e-Democracia was designed to give a voice to anyone anywhere at any time (during the legislative schedule). However, it is still far from achieving this because the digital divide is still very great in Brazil. Only one third of the Brazilian population has access to the Internet.

I must admit: some of the interactive instruments have been underused and the overall participation flows somewhat chaotic. People are free to introduce information into the system in different ways, posting a message in forums, writing at the WikiLegis, uploading reports and so on. For this reason, it demands more management from the administrative staff to put all this content together to make sense. Future improvements in the design of e-Democracia might help to avoid confusion and thereby offer a more understandable view of citizen participation.

3. Transparency

In addition to the benefits of engaging citizens who do not often have access to the national policymaking center at Brasilia, e-Democracia has brought increased legislative transparency. During virtual discussions, Brazilian society has tracked virtual legislative debates and their repercussions in face-to-face events in the House of Representatives. Not only do the most active participants now better understand legislative procedures, which are normally complex and confusing, but also all participants of the youth statute legislative community grasp them.

Citizens can also see what was actually proposed by citizens and compare it to the actual bill that is drafted. This brings disclosure to the lawmaking process because people can use the public participatory process to demand that their representatives explain why certain suggestions and ideas were considered instead of others. Moreover, after a first round of public participation in the debate on the youth statute, participants pressed the Youth Affairs Committee lawmakers for a decision on the issue.
4. Civic education

One other important conclusion: some people do not understand what e-Democracia is and how to use it. People in general hardly know that legislative procedures involve several steps to achieve a final result, the legal text. Therefore, any digital mechanism, such as e-Democracia, must develop specific tools for the legislative education goal.

Graphics, explanatory videos and other tutorial gadgets can help this process by conducting digital participants on a journey to legislative discussion. In addition, forum moderators should guide the discussion and insert tips about legislative procedures. I believe that we can also have more entertaining platforms to stimulate people to join in. In this matter, experiments, such as e-Democracia, can be a kind of “serious game” in which virtual platforms would simulate real decision-making.

5. Congressmen engagement

Yes, the engagement of politicians in virtual discussions is relevant to their success. It is a symbolic demonstration of respect to society. The debate of the youth statute engaged some (not many) active congressmen in it. For example, Representative Manuela D’Avila is the lawmaker in charge to formulating the first draft of the youth statute. Besides being quite young (28 years of age) and used to blogs, Twitter and other Web 2.0 tools, Manuela represents a new generation of politicians who intend to have a more dynamic relationship with her voters and the nation’s citizens. She has twittered e-Democracia happenings.

However, this raises an important issue. Are congressmen in general ready to take part at digital activities? As most of them do not have time for this (most are not even familiar with social media) they surely need “digital ghost-writers” to act as avatars on their behalf.

6. Digital Connectors

One of the most interesting messages posted at the e-Democracia platform was put forward for a native from the Amazon in Brazil. She did not present any substantial ideas to the discussion, but her participation helps to enlighten unexplored
paths of inclusiveness in the legislative decision-making process - the connection between the online world and offline participants. That native is a leader of a local native youth community of a certain tribe in the Amazon jungle.

She speaks Portuguese and knows how to manage email and navigate on the Internet. She is a potential connector between the online participation in the Brazilian House of Representatives and the offline community group that she leads, simply by using a personal computer and dial-up Internet access. Thus, a greater effort from the House should be made to aggregate several cross-country connectors and include more offline people in digital legislative discussions.

There is still a long path to tread to raise a new model of representative-participatory e-democracy in the near close future, but the Brazilian e-Democracia experiment can give us tips to follow this path more quickly.

e-Democracia:

Orkut Twitter @edemocracia

Press coverage and other sources:

GSA Newsletter (pag. 22)
Folha de São Paulo
Abril Digital
Blog Chapa Branca

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