Across the world there are now a range of initiatives which engage citizens in the legislative process – from policy development and consultation, to drafting legislation and providing scrutiny over legislative proposals. Digital tools are playing a fundamental role in enabling parliamentarians to gather a wider range of views and perspectives on particular issues, improve the transparency and legitimacy of the legislative process, and contribute to better legislation.

Parliament should seize the opportunity provided by the Restoration and Renewal programme of the Palace of Westminster to experiment with a number of approaches to better engaging citizens in the legislative process. The temporary spaces used during the decant should be used as a lab for innovations in democracy. We have suggested elsewhere that a budget of £2 million be set aside for such experiments during the decant period. Parliament should also seek to remain abreast of pioneering approaches to the use of digital tools and public participation in the legislative process - ideally by commissioning a comprehensive review.

Despite a number of initiatives, including the pilots for a Public Reading Stage of Bills, Parliament and the Government continue to make insufficient use of technology in preparing legislation for introduction to Parliament. In addition, far more could be done to engage the public in the decisions and deliberations of Parliament. Many consultations are tokenistic, committees often struggle to engage a broad and representative group of stakeholders and the quality of contributions is often highly variable.

There is significant scope for better using digital technologies to engage members of the public to take part in this stage of the legislative process, and to improve the quality and scrutiny of legislative proposals. Indeed, there are now a raft of tools which could be used to engage stakeholders in policy development and consultation, legislative drafting and pre-legislative scrutiny.

These and other digital tools provide Parliament with the greatest opportunity to engage the public in more meaningful ways and thereby reinvigorate our democratic institutions. By ‘engagement’, we mean going beyond informing and consulting, to involving people in deliberation and decision making. This includes, for example, inviting people to submit ideas and proposals, rank priorities, provide scrutiny over proposals, and contribute to the decision making process.

There are already myriad tools and platforms which enable citizens to deliberate (e.g. Pol.is), submit proposals and rank priorities (e.g. Your Priorities), undertake participatory budgeting (e.g. Madame Mayor I have an Idea), receive notifications of upcoming debates (e.g. Helsinki citizen’s notifications) and vote securely (e.g. Agora Voting). Many of these tools were first trialled in Madrid, Barcelona, Helsinki and

1 [http://www.nesta.org.uk/sites/default/files/submissiontothejointcommitteefinal_0.pdf](http://www.nesta.org.uk/sites/default/files/submissiontothejointcommitteefinal_0.pdf)
Reykjavik as part of Nesta’s three-year D-CENT research project and are now being used across Europe.²

7. There are now a number of experiments to use digital tools for public participation in the legislative process. Two notable examples from universities and civil society are CrowdLaw, convened by GovLab³ to identify and share case studies of open and collaborative approaches to drafting legislation,⁴ and Legislation Lab, a platform for public participation in the legislative process, which was used in 2011 to crowdsourced contributions for the new Constitution of Morocco.⁵

8. A number of governments have also created new initiatives to enable citizens to propose new laws or make amendments to existing legislation. Open Ministry⁶ in Finland, for example, crowdsources new legislation and puts popular proposals before parliament for a vote. A new law legalising same-sex marriage was passed in this way. In Estonia, a new online platform – rahvaalgatus.ee⁷ – was launched in February 2016 to facilitate the process of making proposals, discussing, debating and voting on them. Citizens require 1,000 signatures of support for their proposals to progress to the next stage - discussion by Parliamentary Committees.

9. In Brazil, the e-Democracia⁸ portal provides citizens with numerous ways of engaging in the legislative process. In 2014, and as an extension to the project, the Brazilian Chamber of Deputies created a permanent hackerspace – called LabHacker – to act as an innovation lab within the Chamber. LabHacker is now responsible for improving the e-Democracia portal, as well as developing new digital tools to broaden public participation and improve the transparency of the legislative process. Through the portal, citizens can: share content relevant to discussions of draft bills; take part in discussions about draft bills; take part in the virtual communities that have been created on the platform to discuss thematic areas – such as sport, education, space policy and the environment – and for which bills have been drafted; and work collaboratively on legislative proposals which can then be submitted to parliamentary committees and/or the Chamber of Deputies.

10. However, our research highlights five main challenges of using these kinds of tools:

   a. *It’s imperative to engage users as early as possible* to give them the chance to set the agenda and frame the problem. There is a danger with collaborative approaches to drafting legislation that most of the substantive decisions have already been made by this stage, therefore limiting the role that citizens can play in shaping and influencing the direction of the legislation. The most effective approaches engage people from the outset, prior to the drafting of any text at all.

² http://dcentproject.eu/
³ http://thegovlab.org/
⁴ http://www.thegovlab.org/project-crowdlaw.html
⁵ http://legislationlab.org/en/
⁶ http://openministry.info/
⁷ https://rahvaalgatus.ee/
⁸ http://edemocracia.camara.gov.br/
b. **Citizens need additional support to be able to draft legislation.** In the case of the e-Democracia portal, for example, legislative consultants provided content for participants, moderated discussions, synthesised contributions made by citizens and helped to make sense of legal texts. As such, they served as ‘technical translators’, guiding citizens in their deliberations and helping them to contribute to the bill-drafting process using the Wikilegis tool.

c. **Parliamentarians should focus on engaging the most appropriate stakeholders rather than ‘the general public’.** This requires mapping the landscape to identify relevant stakeholders, targeted outreach and developing relationships with communities of interest.

d. **Such processes are expensive and require significant resources** for outreach, facilitation, and communication throughout the process. It is a mistake to see digital engagement as a cheap option.

e. **There must be genuine buy-in from Parliamentarians.** Without a true commitment to listen to and engage with the input from citizens the process risks becoming tokenistic. As well as potentially deterring citizens from future participation and increasing distrust in politics and politicians, it becomes a highly inefficient process and has little benefit for the quality of legislation.

11. The Restoration and Renewal programme presents Parliament with an historic opportunity to dramatically improve the way it engages with the public. This is desperately needed to stem the tide of popular disenchantment and disillusionment with our political system and its institutions. The temporary buildings used during the decant should be used as a lab for democratic innovation to experiment with tools for improving the way parliamentarians and parliamentary staff engage the public. The decant could provide an excellent opportunity to test and trial a number of approaches to better engaging the public in the legislative process – such as crowdsourcing legislation, enabling citizens to submit legislative proposals, take part in deliberative exercises and attend virtual committee hearings.

12. Nesta is an innovation charity based in the UK with a mission to help people and organisations bring great ideas to life. Nesta is one of the world’s leading centres of expertise in social innovation and innovation in public services, with a substantial body of research and policy work, through practical programmes in the Innovation Lab and through its investments in social ventures via Nesta Impact Investments. Nesta is currently working on a programme of work exploring innovations in democracy with a report on pioneering examples of digital democracy to be published at the beginning of 2017.⁹ Nesta has also conducted research on how the architecture of public space influences innovation¹⁰, on the future of government and public services, and on technology and organisational change.¹¹

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⁹ [http://www.nesta.org.uk/project/democratic-innovations](http://www.nesta.org.uk/project/democratic-innovations)

¹⁰ [http://www.nesta.org.uk/blog/innovative-spaces](http://www.nesta.org.uk/blog/innovative-spaces)
14th October 2016

11 http://www.nesta.org.uk/project/digital-public-services