

A FRAMEWORK FOR EVALUATING E-PARTICIPATION IN THE LEGISLATION DEVELOPMENT PROCESS

Euripidis Loukis¹, Alexandros Xenakis²

Even though many countries invest significant amounts of money in engaging citizens in public decision-making using information and communication technologies (ICT), they do not pay corresponding attention in evaluating these efforts. Since e-participation is a relatively new approach it is necessary to evaluate it carefully, in order to understand it better and identify both the benefits and advantages it offers, and also at the same time its disadvantages and problems. In this direction in this paper initially are reviewed existing frameworks which can be useful for structuring the evaluation of e-participation. Then a framework is developed for evaluating a number of e-participation pilots in the legislation development process that will be implemented as part of the LEX-IS project ('Enabling Participation of the Youth in the Public Debate of Legislation among Parliaments, Citizens and Businesses in the European Union) of the 'eParticipation' Preparatory Action of the European Commission.

1. Introduction

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Taking into account that e-participation is a relatively new approach, so its practices and processes have not yet reached high maturity, it is absolutely necessary to evaluate it carefully, in order to understand it better, acquire more knowledge about it and identify both the advantages and benefits it offers, and also at the same time its disadvantages, shortcomings and problems. The evaluation of e-participation efforts and pilots is of critical importance for identifying successful e-participation practices, processes and systems, which are appropriate for achieving specific participation objectives in specific contexts, and also for improving e-participation practices, processes and systems, and achieving higher levels of maturity of e-participation.

In this direction this paper describes a framework that has been developed for evaluating a number of e-participation pilots in the legislation development process that will be implemented by the National Parliaments of Austria, Greece and Lithuania, as part of the LEX-IS project ('Enabling Participation of the Youth in the Public Debate of Legislation' among Parliaments, Citizens and Businesses in the European Union) (www.lex-is.eu) of the 'eParticipation' Preparatory Action of the European Commission. The LEX-IS Project aims at improving the legislation process in the National Parliaments by enhancing public participation in the legislation proposal formation stage and in the stage of debate on draft legislation with the use of advanced ICT-based tools and methods, such as argumentation systems, ontologies, arguments and legislation visualization techniques, etc [11], [12].

In the following section 2 the background on political participation and e-participation is briefly presented, with main emphasis on the objectives and characteristics of them that should be taken into account in evaluating e-participation. In section 3 existing frameworks, which can be useful for structuring the evaluation of e-participation in the legislation development process, are reviewed. In section 4 the proposed framework for evaluating e-participation in the legislation development process is presented. Finally, in section 5 our main conclusions and next steps are outlined.

2. Background

2.1. Political Participation

Held [13], combining the work of three thinkers, Pateman, Macpherson and Poulantzas, refers to an emergent new model of democracy, which he terms “participatory democracy”. A key principle of this model is that “the equal right to self-development can only be achieved in a participatory society, a society which fosters a sense of political efficacy, nurtures a concern for collective problems and contributes to the formation of a knowledgeable citizenry capable of taking a sustained interest in the governing process” [13] (p. 262). Political participation implies for a citizen to be both adequately informed about politics and able to participate in political activities, through direct actions to influence the behaviour of political actors as well as the election of representatives at all levels of government. They can also entail both conventional and unconventional endeavours, depending on whether they occur via institutional channels of political representation, such as the political parties, or interest groups. It should be emphasized that interest groups have become a very important form of political organization today. In fact, what they do is to try, via various methods, to convince the government for the tenability and legitimacy of their demands and to negotiate the terms of their realisation. The theorists who most examined the dynamics of these “group politics” come from two schools of thought of political science, that of Pluralists and that of Marxists (and neo-Marxists), and express very different opinions about them. According to the Pluralists, interest groups, as a form of political organization and action, exert influence, exercise a democratic function and cover a wide spectrum of social groups; they argue that all citizens, up to some degree, participate in an interest group and that these groups altogether equally influence the processes of decision-making [14]. On the other hand, Marxists consider that the activities of these groups are not transparent, not subject to control and not following democratic processes; besides, Marxists argue that there are very few interest groups that hold true political influences, so that only a small part of society is represented through them [15].

The three basic participationist authors, Pateman, Macpherson, and Barber [16], [17], [18], have formed a core theory about the “educative virtue of participation”, which regards participation, especially direct and at the local level, as the best way to improve representational practices. That is, by participating, citizens would become more competent, more respectful of other citizens’ rights, and also more committed to democracy. Therefore the main issue in political participation becomes ‘who participates’, ‘how’ and ‘how much’? However, the literature on political participation has until now dealt mainly with the quantity of political participation, without paying much attention to its quality. Therefore it is necessary to investigate as well the quality of political participation, which would take into account the level and the quality of information provided to participants, and also the quality of the contributions made by them.

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- improving the quality of public policies, by taking advantage of valuable policy-relevant sources of information, perspectives and potential solutions, which exist in the society,
- responding to the expectations of citizens' that their voices should be heard and their views should be seriously considered in decision-making and public policy-making by all levels of government,
- responding to calls for greater government transparency and accountability,
- strengthening public trust in government and reversing the declining confidence in politics and key public institutions.

2.2. Electronic Participation (e-Participation)

Motivated by the need to support and enhance political participation the fundamental concept of electronic government (or e-government), defined by OECD as 'The use of information and communication technologies, and particularly the Internet, as a tool to achieve better government' [19], has been extended in order to include the electronic support of public political participation as well. In this direction OECD [3], [4] defines electronic participation

(or e-participation) as the use of ICTs for supporting the provision of information to the citizens, the consultation with them and also their active participation throughout the policy-making life cycle (agenda setting, analysis, formulation, implementation, monitoring); also, in these OECD reports for each of these three basic dimensions of e-participation (information, consultation and active participation) and for each of the abovementioned five stages of the policy-making life cycle are proposed appropriate supporting ICT tools. The relevant literature reports that e-participation is related with the interaction between new technologies and participation; this concept involves the idea that the new technologies have a potential which paves the way for a powerful, direct and massive citizen participation [20]. The e-participation tools and methods can support efficiently and effectively citizen-centric processes, defined as processes that allow the engagement of citizens in the voting of representatives, in the processes via which policies are shaped and in the decisions concerning the provision of services [21]. Macintosh and Whyte [10] suggest that e-participation concerns ICT that support either the provision of information and the “top-down” engagement of citizens, for example via initiatives promoted by the government, or “ground-up” efforts that enable citizens, organizations of civil society and other democratically established groups to convey their needs and opinions to elected representatives, so that they can act as ‘producers’, rather than just consumers, of policy.

The objectives of e-participation reflect the reasons for which the governments involve or should involve citizens in the democratic processes [1], [4]. First of all, via electronic participation, more efficient and acceptable public policies can be formulated. The intensification of relations between government and citizens encourages the latter to deal with the public affairs and provide to government valuable views and opinions, which incorporate their experience and knowledge concerning the complex problems of modern societies and potential solutions of them. In this way a better base can be provided to the government for policy formulation. Furthermore, e-participation can lead to higher acceptance and more effective application of policies, if citizens are properly informed about them and have participated in their formulation. All the above can contribute to the generation of more trust between citizens and government and higher legalization of the government.

Moreover the use of electronic interaction support tools, such as the discussion fora, has the potential to connect citizens more closely with the political process. The tools and methods of e-participation can facilitate engagement in public policy-making of less politically involved groups, like young people, minorities and lower socio-economic classes [20], and also can contribute to reversing the observed decline in interest and participation in political activities [22].

According to OECD [4] the main objectives of the governments adopting e-participation are: reaching and engaging with a wider audience, providing to them policy-relevant information, enable more in-depth consultation, facilitating the analysis of citizens’ contributions, providing relevant and appropriate feedback to citizens, producing better quality policy, building trust and gaining acceptance of policy, sharing responsibility for policy-making and finally monitoring and evaluation of public policies.

3. Frameworks for the Evaluation of e-Participation

It is widely acknowledged that there is not an established complete methodology for the evaluation of e-participation (e.g. see [9], [10]); there are only some high-level frameworks, which suggest dimensions and criteria that should be taken into account for evaluating e-

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Whyte & Macintosh [7] proposed a framework for evaluating e-consultation from political, technical and social perspective:

- The political evaluation is based on the following criteria: clarity concerning the e-consultation objectives, the roles and responsibilities of both the participating citizens and the competent government organizations, the extent of influence of participating citizens, the owners and the actors; also to what extent the targeted participant groups have actually participated, how accessible and understandable was the information provided to the participants before entering the e-consultation, and whether the e-consultation took place early enough in the policy lifecycle so that it can influence decisions; and finally adequacy of time, adequacy of financial, human and technical resources and extent of giving feedback to the participants during and after the e-consultation.
- The technical evaluation assesses whether the ICT system that has been used was easy-to-use and appropriate for the targeted participants groups
- The social evaluation assesses to what extent have the social practices and capabilities of the participants affected the consultation outcomes.

The OECD [3], [4] has developed a framework consisting of seven ‘issues for the evaluation of online engagement’, each of them having the form of a basic question further analysed into a number of sub-issues/sub-questions:

1. Was the e-consultation process conducted in line with best practice? (ask stakeholders if they are satisfied with the process, assess whether adequate resources were in place to conduct the consultation, check whether process followed best practice guidelines, assess whether the choice of an online tool was appropriate for the consultation).
2. Were the consultation objectives and what was expected of the citizens made clear? (ask stakeholders if they understand what is being asked, assess whether the participants’ contributions were appropriate)
3. Did the consultation reach the target audience? (assess the adequacy of the promotion of the e-consultation, identify who and where potential participants are, in terms of demographic and geographic characteristics)
4. Was the information provided appropriate and relevant? (assess how easily the participants can access the information, assess whether the participants’ contributions were informed by it)
5. Were the contributions informed and appropriate? (assess to what extent the contributions address the consultation issue)
6. Was feedback provided both during and after the consultation? (assess whether questions are answered by government during the consultation, assess the extent to which the government feedback relates to the contributions)
7. Was there an impact on policy content? (check to what extent a change of policy is possible given the stage in the decision-making the consultation occurred, assess to what extent contributions are reflected in the revised or newly formulated policy).

Henderson [23] also provides an ‘e-democracy evaluation framework’, which consists of a set of key evaluation dimensions that address the issues of:

- Effectiveness (Do the initiatives deliver intended outcomes? To what extent are designated objectives met?)
- Equity (Is there equitable access to the benefits of the initiatives?)
- Quality (What is the level of user and stakeholder satisfaction? Are relevant bench-mark standards met?)
- Efficiency (Do the initiatives provide value for money?)
- Appropriateness (Are the e-democracy initiatives appropriate for the Queensland context at this time? Do they provide a relevant response to identified needs and/or opportunities in this area?)
- Sustainability (Do the initiatives provide a durable and generalisable approach to achieving the desired outcomes?)
- Process (How can the current initiatives be enhanced to provide better outcomes?)

A holistic approach for the evaluation of e-participation initiatives of local government is provided by Macintosh and Whyte [10], [24], who suggest a framework developed around

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I. The democratic perspective considers the main democratic aspects that the e-participation initiative is addressing, the most important of them and at the same time the most difficult to understand being to what extent the e-participation affects policy. Other criteria of this perspective can be the effect on representative democracy and involved representative institutions and government, engagement, transparency, political equality and community control, and also the adequacy of mechanisms for conflict management and consensus building.

II. The project perspective assesses the extent of accomplishment of the aims and objectives of each particular e-participation initiative, as set by its project management team. Criteria of this perspective can be the extent of engaging with a wider audience, obtaining better informed opinions, enabling more in-depth consultation, providing feedback to citizens and cost-effectiveness of contributions' analysis.

III. The socio-technical perspective considers to what extent the design of the ICTs directly affects the outcomes and encompasses aspects of usability, usefulness and acceptability, which can be assessed using established frameworks from the software engineering and information systems domains.

For the development of a framework for the evaluation of e-participation in the legislation development process useful can also be elements of existing methods for the evaluation of the ‘traditional’ (‘off-line’) political participation, which are reviewed in [25]. As an example we mention the generic framework for evaluating public participation developed by Rowe and Frewer [26]; it is based on two types of criteria:

- a) ‘acceptance criteria’, which concern the acceptability of a particular participation project by the public; the proposed criteria of this type are: representativeness, independence, early involvement, influence, transparency,
- b) ‘process criteria’, which concern the effectiveness of a particular participation project; the proposed criteria of this type are: resource accessibility, task definition, structure in decision-making and cost-effectiveness

An improved version of the above public participation evaluation method has been published subsequently by Rowe, Marsch & Frewer [27], which assesses participation ‘process’ and ‘outcome’ using similar criteria.

Useful can also be elements from existing community networks evaluation methods, such as the one proposed by O’Neil [28] provides a structured list of evaluation metrics tailored to community building and collaborative environments projects, based on a review of community informatics evaluation literature.

Finally another useful source of elements for constructing a framework for the evaluation of e-participation from a process viewpoint can be existing e-participation organization frameworks, which consist of guiding principles for successfully organizing e-participation, such as the one proposed by the OECD [3], [4], which proposes ten guiding principles: start planning early, demonstrate commitment, guarantee personal data protection, tailor approach to fit target group, integrate online consultation with traditional methods, test and adapt ICT tools, promote the online consultation, analyse the results, provide feedback and evaluate consultation process and impact.

4. A Framework for Evaluating e-Participation in the Legislation Development Process

Based on the background concerning the political participation and the e-participation presented in section 2, and the existing frameworks for the evaluation of e-participation and traditional off-line political participation and also for the organization of e-participation, which have been presented in section 3, a framework for evaluating e-participation in the legislation development process has been developed. In particular, this framework has been constructed through: a synthesis of elements from the above three categories of frameworks presented in section 3, taking into account the basic characteristics of the political participation and the e-participation presented in section 2, the particular characteristics of the legislation development process in the Parliaments, which have been analysed in the LEXIS Project and the capabilities that will be provided by the LEX-IS web-based Platform for the participative support of the legislation proposal formation and the debate on draft legislation to the main stakeholders: i) affected groups of citizens by the legislation under development and their associations, ii) Members of Parliament, iii) experts from the responsible Ministry and iv) independent experts; these capabilities include electronic information provision, both

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The proposed framework for evaluating e-participation in the legislation development process is organized around three evaluation perspectives: Process (PRO), System (SYS) and Outcomes (OUT). Each of them includes a number of evaluation criteria, which can be analysed further into sub-criteria, etc.

The Process (PRO) perspective aims to assess the process that has been followed in the particular e-participation project. It includes the following criteria shown in Table 1:

- PRO1: Clarity of objectives
- PRO2: Clarity concerning the participants and the roles and responsibilities of each
- PRO3: Clarity concerning the main political sponsor
- PRO4: Adequacy of time
- PRO5: Adequacy of resources (human, technical, financial)
- PRO6: Appropriate promotion to potential participants
- PRO7: Participants' personal data protection
- PRO8: Quantity and quality of the background information provided to the participants (how complete, objective, correct, reliable, relevant, useful and clear/understandable this information was)
- PRO9: Quality of the facilitator/moderator
- PRO10: Analysis of contributions of participants
- PRO11: Publication of the results and conclusions of the analysis of contributions

- PRO12: Feedback to the participants concerning how their contributions will be (or have been) used and integrated in the Parliamentary decision-making process
- PRO13: Commitment of the competent politicians and public servants
- PRO14: Adequacy of the whole e-participation project design

Table 1: Evaluation criteria of the process perspective

The System (SYS) perspective aims to assess the ICT system that has been used in the particular e-participation project. It includes the following criteria shown in Table 2:

- SYS1: Appropriateness of the ICT system for engaging the targeted participants
- SYS2: General ease of use of the ICT system by the participants
- SYS3: Organization, simplicity and clarity of screens
- SYS4: Simple error handling
- SYS5: User control of the pace of interaction
- SYS6: Easy reversal of actions
- SYS7: Accessibility by people with disabilities,
- SYS8: Ease of accessing the background information provided to the participants
- SYS9: Ease of posting a contribution in the forum
- SYS10: Ease of accessing the contributions of the other participants in the forum
- SYS11: Technical quality (response time, downtime, etc.)

Table 2: Evaluation criteria of the system perspective

The Outcome (OUT) perspective aims to assess the outcomes from a political viewpoint of the particular e-participation project. It includes the following criteria shown in Table 3:

- OUT1: Extent of participation of citizens affected by the legislation under development
- OUT2: Extent of participation of the main interest groups affected by or associated with the legislation under development
- OUT3: Extent of participation of less politically involved groups (e.g. young people, minorities, lower socio-economic classes, etc.) affected the legislation under development
- OUT4: Extent of participation of Members of Parliament
- OUT5: Extent of participation of experts from the responsible/competent Ministry
- OUT6: Extent of participation of independent experts
- OUT7: Informed contributions
- OUT8: Quality of contributions
- OUT9: Pluralism of contributions
- OUT10: Extent of interaction among participants' (number of contributions on other participants' contributions)
- OUT11: Extent of conflicts management and consensus building
- OUT12: Generation of useful information, knowledge and views concerning the topic of the legislation under development, which can be useful for improving it.
- OUT13: Impact of participants contributions on the legislation under development
- OUT14: Impact on acceptance and applicability of this legislation
- OUT15: Impact on perceived transparency and trust to government
- OUT16: Extent of strengthening the Parliamentary decision-making process
- OUT17: Satisfaction of the citizens who participated
- OUT18: Satisfaction of the Members of Parliament who participated

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- OUT19: Satisfaction of the experts from the competent Ministry who participated
- OUT20: Satisfaction of the independent experts who participated

Table 3: Evaluation criteria of the outcome perspective

5. Summary - Conclusions

In the previous sections has been described a framework for evaluating e-participation in the legislation development process, which has been developed by synthesizing elements from existing frameworks for the evaluation of e-participation and traditional off-line participation, and also for the organization of e-participation. It takes into account the basic characteristics of the political participation and the e-participation and also the specific characteristics of the legislation development process in the Parliaments. The proposed framework includes three evaluation perspectives: process, system and outcomes evaluation.

This framework will be adapted to the particular characteristics and objectives of each of the e-participation pilots that will be implemented by the National Parliaments of Austria, Greece and Lithuania as part of the LEX-IS project, further elaborated, and then used for evaluating them. Finally, based on the experience gained from the above practical application of the proposed framework, it is going to be modified and enriched if necessary.

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Even though many countries invest significant amounts of money in engaging citizens in public decision-making using information and communication technologies (ICT), they do not pay corresponding attention in evaluating these efforts. Since e-participation is a relatively new approach it is necessary to evaluate it carefully, in order to understand it better and identify both the benefits and advantages it offers, and also at the same time its disadvantages and problems. In this direction in this paper initially are reviewed existing frameworks which can be useful for structuring the evaluation of e-participation. Then a framework is developed for evaluating a number of e-participation pilots in the legislation development process that will be implemented as part of the LEX-IS project ('Enabling Participation of the Youth in the Public Debate of Legislation among Parliaments, Citizens and Businesses in the European Union) of the 'eParticipation' Preparatory Action of the European Commission.

1. Introduction

The likely impact of modern information and communication technologies (ICT) on the efforts for the enhancement of citizens' engagement in the democratic processes of modern representative democracy begins henceforth to be recognized [1] – [6]. Numerous local, regional and national governments of many OECD member countries try to extend participation with the provision of an additional effective channel of communication with civil society based on innovative usage of ICT for supporting open and transparent democratic processes of public decision-making [3], [4], [6]-[8]. However, it is widely accepted that these governments do not pay corresponding attention in evaluating these efforts

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