The e-Democracy project applied to the climate changing policy in the Brazilian parliament: a case study

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From the perspective of Hanna Pitkin and Benjamin Barber that the strength of representative democracy depends on the developing of the participative democracy, we want to investigate how an innovative information and communication technology (ICT) tool, the e-Democracy Project at the Brazilian Parliament, may help on the developing of deliberative democracy mechanisms as an innovative participative way. We believe that ICT can help to make viable, and to organize the deliberation on the formulation of public policies. In this paper, we focused on the deliberative procedures that involve legislative work. In the study of a real case we intend to evaluate what are the necessary requirements to the effectiveness of the debate that has been made within the lower House of the Brazilian Parliament (the Chamber of Deputies, more specifically) about the Policy of Climate Changing. Such discussion which is intense in non-digital platforms, is about to happen in a digital way, using a peculiar technology and communication information tool that, a priori, would allow a great and inclusive social participation, such as environmental NGOs, civil servants that work with the environmental issues, judges that solve trials about this issue, experts and researchers in this field, and even any Brazilian common citizens that can provide any kind of information about the climate changes problem. The main proposal of this paper is to analyze the e-Democracy Project platform in Brazil, especially whether it really offered the indispensable requirements to make a real democratic debate that brings relevant contribution for the policy’s formulation.

Key words: e-democracy, digital democracy, public policy, legislature, social participation, deliberative democracy, decision-making process

Introduction

We intend to investigate in this paper, through a real case study, the participative and deliberative democracy development as a complementary institute to the representative democracy. In opposition to the idea of gradually substituting the parliament representation system by the people’s more direct participation on the State’s decision-making processes, we joined, on the other hand, the theoretical standpoint which considers the conciliation among political representation, and the people’s participation, in which this participation is a strengthening factor for the political representation.

We’re interested on knowing how this society’s participation on the public policy’s formulation process can be achieved on the practical life. Our focus is the participation made possible with the technology of information and communication (ICT) assistance, one of the acting ways of the recently called e-Democracy. For that reason, we’re going to stick to the analysis of the e-Democracy Project at the Chamber of Deputies of Brazil, which was conceived to allow the people’s participation on the formulation of very specific bills.

Unlike other e-Democracy projects related to the legislative power which allow a wider discussion about any issue being debated at the Parliament2, the Brazilian e-Democracy Project intends to stimulate the participation on the construction of a certain bill in a deeper way, throughout all the legislative proceedings, from its presentation to its final approval.

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2 Like, for example, the discussion forums of the Basque Parliament, and the European Parliament Project Today I decide Plus.
At this present paper we will study, through a qualitative methodology, the preparing process for the first pilot project of the e-Democracy Project, related with the law project regarding the climate changes. Our objective, based on simulations performed at the Chamber of Deputies, is to evaluate if the e-Democracy Project has enough elements to offer an effective participation of the society on lawmaking. Therefore, it’s worthy to know if it’s a proper instrument to make possible, on a real practical way, the joint development of representative and participative democracy.

The contemporaneous Democracy – representation, participation and deliberation

The indirect or representative democracy implies the delegation of dealing with the public affairs to representatives elected by the people. If the indirect democracy’s emerging is related to the impossibility of the accomplishment of direct democracy on modern societies, according to the ancient Greeks original standards, the people’s new participation instruments may allow – at least in thesis – that the society, in an organized way or not, interacts more directly with the State’s agents.

The theoretical evaluation from which we start is Hanna Pitkin’s (1967) perception regarding political representation. According to the thinker, the parliament can only be representative if there is the society’s real participation on following the parliamentary works. Therefore, it interests us to understand the way on how the participative democracy is presenting itself to the contemporaneous society. The participating institutions allow the citizens not only to be the receivers of the policies’ creation, but also their subjects (Eisenberg and Cepik, 2002).

The idea of a more active society is also related to the development of a deliberative democracy, which implicates in a wider offer of participation instruments, in order to democratize the access to the State’s information. Also, it would elevate the society’s discursive potential, since it would enable better presentation of ideas and arguments about public policies.

Possibly elaborated by Joseph Bessette, the term ‘deliberative democracy’ opposes to the pluralist and economic models’ basic principles, such as: that the idea of politics is primarily known as a conflict of interests, a mere exchange game in spite of the public reason; that the principle of rational choice can provide rational decision-making models; that the government’s legitimacy is minimalist, that is, based on the preservation of negative liberty (the non-forbidden one) of individual subjects; and, at last, that the democratic participation is limited to the vote (Bessette, 1980).

On the contrary, the idea of a deliberative democracy applied to the public issues previews the people’s effective participation throughout the whole decision-making process. In other words, besides providing the people’s participation by voting on representatives, the (new) participative and
deliberative democracy allows the citizen to interact directly with the State that means with its representatives, rulers, technicians, and administrators (Barber, 1984).

New forms of participation with deliberative potential on the State matters have been emerging in Brazil, as well as around the world, since the 90s. On the Brazilian case, the participative budget from the cities of Porto Alegre and Belo Horizonte, the creation of health, social security, and women’s protection councils, among others, besides the participation on itinerant legislative public hearings are all important participation experiences recently created.

On the participative budget, for example, local government administrators organize public assemblies on several different places in town so that the population, in their own neighborhood, may manifest their own needs and preferences regarding the allocation of municipal budgetary resources. This participation and deliberation mechanism was performed on a relatively rudimentary way, that is, with the assistance of public servants who catalyzed and organized the people’s will on an efficacious way.

Recently, however, this work has been added with information technology. That is the case of the digital participative budget at the city of Belo Horizonte. In this example, every citizen can express his or her own opinion about budget in several kiosks all over the city, with a computer connected to the Internet.

E-democracy is understood, therefore, as the field of study which is interested by the incorporation of digital mechanisms on the democratic practices, and its impact on the political institutions. E-democracy can be called electronic or digital democracy, cyberdemocracy, hiper-democracy, among other names, since there are no differences on its essence.

At this work, the main interest is the people’s participation expressed through technological means that can help managing the information, and the communication. This way, it makes easier and stimulates the society’s discursive capability to contribute for the formulation of bills. The lawmaking process is the juridical main structure of any public policy in the Brazilian system. It should foresee totally public profound discussions which should involve the high representatives of the different social groups interested on the matter. These discussions would generate, at the end, concrete legislative results.

Here it interests us to perceive how such elements – discussions, representativity, social groups – can function through the virtual environment in such a way that it makes the discussions easier, turning them more democratic, transparent, besides helping effectively the process of lawmaking. For that reason, we will evaluate the e-Democracy Project tool from the Brazilian Chamber of Deputies’ e-Democracy project, to gauge the common citizen’s participation potential in it. To delimit our study,
we will focus on four essential elements: the way the tool is presented, the participation’s functionalities that it offers, and their management, and the real costs of the participation.

**The new ways of participation: the e-Democracy**

In the last 25 years there was an undeniable technological development on the planet, especially in the information and telecommunication fields. It has made possible to society to live in a more and more complex way, and that is accentuating on geometric progression. In other words, human beings are becoming more diversified, and their social interaction capability is growing more intense, according to Castells (1999) regarding the society of information:

> “The first characteristic of the new paradigm is that the information is its raw material: those are technologies to act over the information, not only the information to act over the technology which was the case of the previous technological revolutions.”

The second aspect refers to the *new technologies penetrability effects*. Since information is as a whole part of every human activity, all the processes of our individual and collective existence are directly molded (although, certainly, not determined) by the new technological way. (…)"

Pushed by the technology of the Internet itself, with the availability of instruments such as chats, blogs, forums, and videoconferences, the present modern society, according to Castells (2007) has lived through what he calls “personal mass media”. This way, people can communicate through several channels, on a total diffused and unlimited way, processing, and even generating information in different levels.

An important researcher about the relation between Internet and politics, Pippa Norris (2000) considers that the unlimited number of available information on this global net has the potential to allow people to get a wider knowledge of public policies, and a greater capability of social articulation, with the usage of e-mail, online discussions, and virtual chats. The Internet allows even the formation of specific nets related to topics or public issues which are interconnected to local, regional, national, and transnational spheres.

In countries where the civil society is under a strengthening process, like the Baltic Countries and in Serbia, the Internet has shown to be an important instrument of net’s formation between the new social movements, groups of interest, and NGO’s (Spiro, 1995; Pantic, 1997; Herron, 1999). The Internet is also used as an important channel for political discussions in societies critical to authoritarian regimes (Hill & Hughes, 1998). As an example it is worthy to mention the case of the
anti-landmines campaign which allowed the interaction of people and groups all over the world (Cameron et al, 1998).

If technology is an instrument for the organization of social nets, we’re interested on knowing how this becomes reflected on the State’s decisive instances, that is, the way of the tentacular interaction with the public agents (in Brazil, see Avritzer, 2002, 2004, 2007; about the increase of social organization for the formation of nets outside of Brazil, see Sherer-Warre, 1993).

Pippa Norris (2000, 2001) believes that the eventual legitimacy of the parliament institution’s crisis can be minimized by the creation of a “virtual political subsystem”. It would be a way to articulate the interaction between the political class and the more politicized average citizens. Pippa affirms that such mechanism can develop “intermediary institutions”, as well as it can stimulate the incorporation of new actors in the political system. For her, the Internet would have the political functions of promoting conditions for the party competition, facilitating the access to the public sphere through the communication and information channels, helping the mobilization of the civil society, and promoting the transparency of the decision making process (also Axford and Huggins, 2001; in Brazil, see Eisenberg and Cepik, 2002).

Nowadays, it’s been verified a number of experiences through the use of several technology of the information instruments directed to the people’s participation. These instruments, somehow, intend to stimulate, facilitate, organize, and make possible the citizen’s access to the matters of public interest treated on the State’s ambit. There is a great variety of ICT’s experiences applied to democracy, and they also have different objectives, but the main one tend to be related to six basic aspects: a) electoral mobilization; b) relation between society and political party; c) direct democracy; d) relation between society and government; e) social monitoring; and f) relation between society and the legislative power.

In this paper we do not focus on the initiative used by politicians or by parties, either on the electoral process aiming at the elector, or on the everyday party practice. It’s important to highlight, however, the great development on the use of ICT’s tools on electoral campaigns, considering the recent case of the presidential election in the USA: the candidate Barak Obama’s campaign committee used e-mails, portals, and blogs as a mobilization way of his potential electors and sympathizers.

There are some other experiences more adequate for the direct political exercise. The Swedish Demoex and the Italian Listaparticipata are experiences also remarkable on the people’s participation on the Legislative power. The first is an attempt to establish an imperative mandate. The Demoex, abbreviation of experimental democracy, resulted from part of the Swedish population’s...
disappointment with conventional politics which consists on consulting the people every four years through vote. Once elected, the representatives can act as they wish, with fullpower.

In opposition to this autonomy, a group of students and teachers created the Demoex, an ideology-free party, to run the elections for the city council at the city of Vallentuna (Sweden). The only elected Demoex parliamentarian is, so, obliged to vote on the parliamentary deliberations according to will of the party members who manifest their will through online vote about each question discussed on the city council³.

In a similar way, and also as a kind of imperative mandate, the Italian Listapartecipata⁴ includes a group of people who through several channels – Internet, telephone, and mail – take decisions which their parliament members of the city councils in Italy are obliged to take into consideration, otherwise they are subject to the mandate’s extinction.

On the other hand, the e-government experiences are various, differing one from another according to each country. They usually occur starting from political consultation platforms to subsidize decisions about public policies, or as government’s instruments of communication and interinstitutional organization. Since these instruments are more related to the practice of functions pertaining to the executive power, they obviously have different objectives from the technological tools for the legislative elaboration.

Regarding the social monitoring, it’s important to mention the Chilean blogosphere, an experience promoted by the National Library of Chile to monitor the functioning of blogs about several different subjects of social interest which could have repercussions on the parliamentary work. This experience’s objective was to offer the deputies and senators a variety of experiences about what the Chilean society thinks.

That classification was necessary so we can position the experience analysis’ context in this paper. The subject of our study is regarding the last item of this classification: the ICT tool destined to allow a better interface between the citizen and the parliament. That means a tool which seeks to provide the citizen’s interaction, through suggestions, complaints, and requests related to public policies appreciated through laws on the Legislative power ambit. This is exactly the purpose of the e-Democracy’s pilot Project of the Brazilian Chamber of Deputies.

Case study: the e-Democracy Project of the Chamber of Deputies

³Available on www.demoex.net.
⁴Available in www.partipata.it
The e-Democracy Project is a kind of virtual community that aims catalyzing opinions, suggestions, political points of view, and critiques to the bills and other legislative proposals on their legal proceedings at the Brazilian Chamber of Deputies. The analysis we’ll make will be made upon some simulations done on the virtual environment of the project which had the objective of identifying the minimum conditions for rendering effects of a great legislative discussion on the digital sphere.

Starting on the first semester of 2009, the e-Democracy Project, still on an experimental phase, is directed to place the specific discussion regarding The National Policy of Climate Changes. Its objective is to present another channel for social interaction which aims to collect the necessary information for the decision making related to the final text of this policy, yet to be established by law.

The study about the e-Democracy Project was mainly done through the direct analysis of the platform\(^5\), through simulations performed on the period from November 2008 to February 2009. These simulations aimed exactly to bring up the main functioning and potential problems requirements which could jeopardize the platform’s efficiency. The analysis of the simulations will allow, hence, the platform’s optimization for its official launch for the discussion of the legislative proposal regarding climate changes. We also interviewed the e-Democracy Project’s organizers, the participants, the moderators of the constant platform’s forums, the deputies, as well as the analysis of the documents referring to the project.

The Brazilian public policies are mostly formulated and implemented by the Executive. In the Brazilian presidencialist system, although there is evident division of attributions between Legislature and Executive, there are also some joint functions, especially when it’s regarding the legislative initiative. Most part of the policies is created on the ministries at the Esplanada\(^6\), and it’s the Chamber of Deputy, and the Federal Senate’s duty to approve, reject, or alter the text. Besides the power to change the proposals made from the Executive, the Legislative Power has great influence to formulate the policies. The Legislative has legitimacy, even to, in some cases defined by the Federal Constitution, lay bills before the House independently from the Executive’s initiatives.

This way, we used a qualitative research method based on free observation of the virtual community. This observation involves access to all the discussions’ subject matters, and the participants’ records during the simulations period. The present paper aims to analyze objectively some essential issues of the e-Democracy Project:

1) social representativity: the project offers wide participation opportunity for any person from the Brazilian society?

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\(^5\) Available at the website [www.edemocracia.camara.gov.br](http://www.edemocracia.camara.gov.br).

\(^6\) Opening term and declaration of the e-Democracy Project’s objective, available at the Special Projects Assessorship from the General-Management of the Chamber of Deputies.
2) Deep and organized discussions: is it possible to have deep and complex discussions on an organized way? Does the digital interface contribute for this?

3) Effective legislative results: what is the final objective of the project? Does this matter for the parliamentary work?

To search for these answers, as mentioned a few pages back, we’ll analyze four aspects of the e-Democracy platform: the way the tool is presented; the participation functionalities presented; in which way the virtual communities’ management contributes for its results; the real costs of the digital participation.

The way: the interface value

We will start by analyzing the interface. We decided to consider the ICT tool presentation a relevant element on the people’s digital participation process. The way is definitively important, once when a tool with difficult access, with navigational problems, which assumes that the user has informatics high knowledge and familiarity, it would be destined to be unsuccessful, since it will restrain the number of people capable of accessing it.

The platform still doesn’t have enough elements for us to measure how exactly it reflects on a positive stimulation of participation. It was developed with the intention of minimizing eventual problems of portal’s navigation, as well as difficulties inherent to virtual sites, that may get the users to lose interest or patience. This is a very common phenomenon on the Internet. A typical example of this kind of problem happens when the user gets lost during the navigation, not knowing how to return to the discussion forum, or deviating to the virtual site’s secondary services. In short, the e-Democracy Project intended to present a friendly interface, and to be easily understood by the user.

After performing a few tests, and accessing the complaints and opinions of some users, it was verified that the project had certain problems as well as positive aspects. It’s evident to observe the e-Democracy portal’s concern of offering several options that basically lead to the same spot: the discussion forum about the Climate Changes National Policy. This way, the user ends up being stimulated to concentrate on giving his or her opinion regarding this matter, and there are few chances of him or her getting lost during the navigation.

Another relevant aspect is that the language used at the e-Democracy portal can be improved. It is important that the language does not present excessive use of legislative technicality. We mean typical expressions of the legislative universe which are unknown to the general public, such as “appended proposals”, “order of the day”, etc. When such expressions can’t be avoided, they should be followed by a short explanation or translation. Actually, a glossary would be extremely essential, but
there is none, and this certainly will affect the common citizens’ understanding, because generally people are not used to this technical language.

There is also a very important social-educative aspect associated to the technical language problem. Some politicians we interviewed perceive that the common citizens mix the duties of a federal deputy, state deputy, city councillor, mayor, secretary of State, etc. This means that the Brazilian society doesn’t understand exactly the Country’s complex power structure, cleaved by one side in three powers with different functions, Legislative, Executive and Judiciary, and by the other side segmented in federative units, the Union, the states, and the municipalities⁷.

According to the perception of Deputy Ricardo Tripoli who we interviewed for our study, the existence of several authorities with different legislative and executive competences is a confusing concept for the common citizens. For our present work this also means there is a mistaken or distorted understanding of the Chamber of Deputies’ duties on the public policies’ process. For these reasons there is the intrinsic need for the e-Democracy platform to contain informative and educative civic elements (not existent at the present stage) regarding the Legislative Power’s duties, and its institutional limits. This should be an essential requirement, so people can understand since the early stages which will be the bill’s legislative objective.

Another important aspect regarding the way is that the user should have at his or her disposal, at the own virtual community screen, the discussion’s subject matter, that is, the full text of the bill regarding the Climate Changes National Policy. Therefore, the citizen is compelled to discuss the subject based on the bill text laid before the House. For this reason, it will also be necessary for the site to provide additional information regarding the bill, so the participants can also understand in which stage of the proceeding the climate change proposed bill is.

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⁷ As a sum up, the complete structure of the Brazilian public power is organized as follows: in the Union, the Legislative Power is carried out by the deputies of the Federal Chamber, and by the senators of the Federal Senate; the Executive Power is carried out by the President of the Republic who is assisted by the ministers of State. At the states and at the Federal District the Legislative Power is carried out by the states or federal district’s deputies, and the Executive Power is carried out by the governor who is assisted by the secretaries of State. At the Municipalities, the Legislative Power is carried out by the city councillors, while the Executive Power is held by the city mayors who eventually are assisted by the secretaries of the Municipalities. In addition, the Judiciary Power has only two levels of common justice, the Federal, and the States or the Federal District, both with two jurisdiction degrees. Besides them, there is the Superior Court of Justice, agency in charge of making uniform the common justice’s decisions all over the Country, and the Supreme Federal Court, the agency with maximum constitutional control in the Country. Brazil also has three specific federal justices, the Work, the Electoral, and the Military, all with two jurisdiction degrees, and a superior court to uniformize the respective decisions all over the Country.
The platform’s functionalities

The user can participate on the debate through the discussion forum which is the e-Democracy main tool. But also, as a complementary way, the participant is stimulated to present suggestions to alter the legal text at the wiki platform which has been called Wikilegis.

The Wikilegis is an innovative functionality from the e-Democracy platform which, however, presents some problems. Based on the wiki philosophy of the Wikipedia, a site that presents an encyclopedia constructed virtually on a collaborative way, the Wikilegis allows collaborative work on the law’s elaboration.

This way, the access screen to the forum can be divided in half, and part of it can be used for the discussion of the forum, and the other half can be used for the visualization of the bill’s text regarding climate changes. Thus, the user can present suggestions directly on the text, on a collaborative way along with other users. This also allows the elaboration of a common text, resulted from at least a partial consensus about the text. Although on the simulations this aspect couldn’t be experimented in full, we already can come up with some conclusions.

It is obvious that such mechanism’s goal is to facilitate the objective and responsible participation, that is, the citizen gives his or her opinion already bringing up the idea on a concrete way, in something legally viable. In this manner, the citizen can present amendments suggestions to the text, or even elaborate his or her own bill with the help of other people.

Nevertheless, although this Wikilegis aspect is interesting, it may stimulate a more concrete participation, and the search for a consensus, it starts from the assumption that the citizen has conditions to elaborate a legal draft, and propose additive, agglutinant, or substitutive amendments. These are extremely technical tasks that demand specialized knowledge. On the other hand, there also seems to be there the assumption that among the platform participants there are jurists and specialists on environment legislation, for example, who could participate in such a way.

However, this should be understood as a participation secondary aspect. Wikilegis has an undeniable importance as another participation tool. Nevertheless, it tends to be used only by a few people, because the participation focus doesn’t need (and maybe it shouldn’t) to generate the formulation of the final form of the bill, but indeed should promote elements for its elaboration.

The parliamentary work, by itself, is always assisted by jurists and legists who adjust the will of the parliamentarians to the proper legal format. They use the adequate legislative technique in accordance with the laws’ systematization principles. This way, so that such functionality can be really useful, it’s imperative the continuous assistance of jurists who are specialized on this task of
collaborative elaboration of lawmaking. We cannot expect such capability from the average participant.

In spite of this, we once more highlight: for legislative means, the most important is to get on an organized way the society’s informative subsidies regarding the bill’s set of problems. May we mention as an example: it’s crucial for the public debate to understand the harmful effects of climate changes in the Country by listening to the people who, in some way, suffer with these problems. It’s necessary that the deputies have the most detailed and extensive information possible regarding the issue as a bill’s matter. As every legal instrument intends, by definition, to solve or minimize an issue with social impact, it is fundamental that the legislators have deep knowledge of such matter.

At this point, we need to make a brief elucidation. The elaboration of a certain public policy depends obviously from a legal structure which means, at least, a law more or less structural which will provide legal support for the public policy. Such a bill should consider information about three main aspects of the law elaboration: a) information regarding the problem of public importance that there is the intention to attack through the law; b) information regarding the possible solutions to solve the problem which will be the bill’s presumed subject matter; and c) the best way to express this subject matter, that is, the law’s writing.

For information about the problem, the Chamber of Deputies will listen, through the e-Democracy platform or through the conventional legislative means, as public hearings\(^8\), the people interested who suffer directly with the problems, as well as specialists on the matter.

We’re going to give an example about it. Regarding the climate changes policy’s discussion, one factor that causes the problem is the excessive greenhouse gases emission on the atmosphere which generates an environment’s temperature, causing a series of harmful changes on the environment. One of the most common problems that occurs as a consequence of this process is the significant impact on agriculture.

To discuss the first item, thus, referring to the knowledge of the social problem which is happening, the parliament must hear farmers and small agriculturalists who plant on affected areas, and for that reason suffer with the problem. On the second part of the policy’s elaboration, regarding the search for viable solutions for the reduction of greenhouse effect gases’ emission on the atmosphere, for example, the parliamentarians must mainly receive suggestions from environment specialists, because they are the most prepared people to discuss the subject in a profound way. To sum up, there

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\(^8\) Public Hearings are meetings from the thematic parliamentary committees of the Chamber of Deputies with the presence of people from the civil society. The parliamentarian members of the Committee have, this way, the opportunity to listen to the society’s opinion about a certain matter. This meeting is not subject to legislative appreciation.
are two kinds of participants – farmers and specialists – very different from each other. The e-Democracy project should be prepared to get any kind of suggestion from these groups.

Since the knowledge of the problem, and the discussion about its solutions may be explored through the use of the virtual forum, this tool attends the minimum requirements to promote a digital discussion. Such aspect is helped by the tool’s characteristic of allowing the participants to present not only a text message, but also audio, video, and even pictures. Notwithstanding, this kind of participation demands a certain degree of the virtual forum’s tools knowledge, that means, there is a great risk that these functionalities may be underused by the average user.

On the third part of the elaboration, regarding the text’s construction of the bill, there are other e-Democracy tools that can be helpful during that phase, besides the virtual forum. One of them is the Wikilegis which we mentioned before, a tool that allows the elaboration of the legal text in a collaborative way. This way, the participants may give their contributions, using a separate screen with the law’s text, presenting amendments, or even creating their own bill. Each alteration or suggestion is, so, highlighted with the indication of the author’s name, as well as the date when it was done. In an abridged manner, we notice an evident concern of the e-Democracy platform with the formulated knowledge management, with the organization of ideas and its resources, to serve as a subsidy for the parliamentary work.

We should not expect, however, that on this last phase, on the bill’s final writing, that the participants are capable or even are prone to present text’s suggestions, since this work is extremely complex and technical. For that job the House offers to assist around 200 specialists - the legislative consultants - from all knowledge fields relevant for public policies, such as health, education, social security, among others. Public servants from the House, selected through a rigorous official test to join the public service, are trained to solve all kind of problems related to the adaptation of the parliamentarians, and the citizens’ intended ideas with the adequate legislative techniques. They also have the special care to make additional proper correlations and connections with other laws of the Brazilian law system.

This way, through the social participation point of view, the most important regarding the e-Democracy project participants presented suggestions is the matter contained, and not the way that is presented. Therefore, for the platform to be successful it’s necessary that those specialists assistance to identify the eventual formal deficiencies that the suggestions may present. Besides that, the legislative consultants will help to evidence the ideas which are viable or not, although with a relevant matter, but that are not easily expressed in writing. It is necessary technical knowledge for this kind of participation that the average citizen doesn’t necessarily need to have.
The platform management

There is also an other very important aspect for the e-Democracy Project accomplishment that it can’t be forgotten which would risk ruining its usage, or practically making it not work properly, with only few people participating, and that would cause the project failure. The e-Democracy Project represents what we may call a virtual community, that is, it gets together people with common interests on a digital environment, no matter what’s the subject of the proposed bill. At this virtual community there are several tools that stimulate the discursive purpose: forums, chats, a library containing studies and research material, the entire content of the proposed bills, the collaborative elaboration tool for the construction of the legal text (Wikilegis), news, contents available in video and audio, etc.

With such functionalities that stimulate the interaction, and offer a reasonable friendly interface that makes its usage easier, and minimizes eventual navigational problems, the e-Democracy platform should go through a great test. The virtual community will be composed by people, and it will only be successful if there is interaction and participation among these people. But what will motivate the participation of people who probably don’t know each other? After all, the virtual world presents an impersonality characteristic, where people communicate but don’t know each other face to face, don’t exchange visual impressions, have no empathy or even synergy that is common on meetings done in the presence of people. The management of the virtual community is a factor, so, of great magnitude. How can it keep people stimulated on participating?

Initially, it's extremely necessary to organize real meetings with those people. When people know each other, they create synergy among them, and start affinity relations which many times extrapolate the common interest that brought them together. Confidence and respect feelings arise. It is obvious that we can’t expect this from a heterogeneous group of people with different objectives and opinions about the environment issue, like in that specific case.

Nevertheless, it would be better for the e-Democracy virtual community’s good achievement that the project have some elements from a real community. For that reason, we also consider important the intensification of the social participation through other means, using more conventional ways. For example, it is necessary to promote public hearings where environment interested groups and specialists can be heard, so this will motivate people’s interest on the subject to come. This way, some of the main people who are participating on the virtual community could meet and exchange impressions and ideas about the matter. And, consequently, people would discuss and present comments about the e-Democracy platform’s functioning, as if the debated ideas at the virtual community, and the participation routine in this virtual world were already part of real life. In other words, as if it was another element of real life.
To sum up, according to Jane Fountain (2001), the success and the dynamics of a social net depend on the relations of confidence formed between their members. And confidence is better built when people live in society, even if this acquaintanceship is superficial. This way, we foresee that the ideal situation for the good performance of the e-Democracy mechanisms is its complementary combination with the normal democracy’s means, like people’s physical presence on events and meetings for debates.

Besides that, the participants need to feel that their suggestions and opinions will somehow be useful for the process of the policy’s construction. Indeed, the project’s final objective to promote a large discussion, the most democratic possible, with a great variety of the society’s segments and points of view, relating to the subject, in that specific case, the climate changes.

Besides the undeniable benefit of enlarging the society’s participation capacity, in other words, to democratize the access to the public agencies will power of decision, the use of technological tools can assist on the mechanism of organizing the processed knowledge. The e-Democracy Project proposes the agglutination of information and ideas originated from a heterogeneous human resource.

In order to all that turn into useful ideas for legislative means, that is, which interferes on the formulation of the bill’s process on a causal way, and consequently with impacts about its implementation, it’s also essential a special management of the collected information, and its transformation into applied knowledge. For that reason, the tool must contain elements of cataloguing the participants, with the proper record of their profiles. All suggestions and ideas should be registered in many different ways, in chronological order, by subjects, by relevance. This should make possible the emission of reports with all the participation history, expressively pointing out who suggested what, representing what interest, what objective. Maybe one of the great advantages of the digital environment, in comparison with the conventional ways of participation, is that: the possibility of knowledge management.

The moderation role will be crucial for the effective participation insertion of all social range of potential participants and, perchance, to detect the existence of a high participation of certain social groups with the detriment of others. Then, it’s crucial to check the reasons why this is happening, and in which way this caused an effect on the tool. Besides that, the way the tool made possible the social interaction is an other possible element to be analyzed, to verify if for a determined social group is easier or harder to use this kind of tool.

The time factor is also determinative for the whole operation. As every kind of discussion, the virtual debate also must be directed by a well-planned chronogram, with predetermined functioning.
periods, and this should be made very clear to all the participants. Thus, they will be obliged to organize their participation according to those schedules.

Since the process of discussing a bill can last for months, and sometimes even years, according to the Brazilian system, there is no need for the virtual community to last during all the proceedings’ time, like the climate changes bill. The discussion opening, through the e-Democracy Project, can last for periods of three months for example. After that the moderators would have time to analyze and organize the discussions results.

**Participation costs**

One of the great advantages of the e-Democracy is the participation costs’ reduction. The people’s participation on the legislative activity can happen in many different ways, involving or not the technologies of information and communication. The conventional participation at the Chamber of Deputies passes basically by the thematic committees’ participation on public hearings. This is very limited, since there is little opening for opinions’ manifestations. Generally, only groups of interest representatives, and well-known specialists are invited, according to the deputies-member of the respective committee’s criteria.

The common citizen, not necessarily inserted in any kind of group of interest, seldom gets to participate on those hearings. This also happens with members of groups of interest who are not the representatives of those groups. For example, due to obvious reasons of space and time limitations, the Committee of the Environment, a permanent organization from the Chamber of Deputies, tends to listen only to the president of the inspectors of the environment syndicate, regarding the *Climate Changes National Policy*. The House does it in detriment of the other inspectors who may not agree with their bosses. It’s normal, so, that during a public hearing only the ruling classes get to be heard.

On the same way, the Committee for the Environment can invite only the three more significant non-governmental organizations to manifest their opinion about a subject on a public hearing. Nevertheless, such opinions will not express all the third sector’s ideas which act on that field, since several NGO’s won’t have the opportunity to manifest their ideas.

To sum up, we are emphasizing that the so called traditional participation which we gave examples on their most common cases, through people’s presence in public hearings at parliamentary committees, presents great limitations. On the other hand, the participation ways which use technology of information and communication, known as e-Democracy instruments, make possible a more extent participation on the lawmaking process.

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9 Ex: Committee of Social Security and Family, Committee of Education, Committee of Work and Public Management, etc.
Besides the capacity of participative inclusion, the e-Democracy also would allow the people’s participation for lower costs. Still, we should analyze if the e-Democracy Project presents such characteristic. The alleged “participation costs reduction” refers mainly to the financial aspect: if a certain group wishes to present its ideas to the congressmen, they have to show up at the National Congress, to visit deputies, to spend money with tickets to travel to Brasilia, hotels, daily expenses, and even to hire lobby\textsuperscript{10} services, to participate on events regarding the matter, etc. All those procedures demand sometimes high expenses.

The digital participation, although it has its limitations, and it does not work exactly as a lobby, allows that many people may participate, in some way, on the process of legislative elaboration, with minimum costs which are: to have access to a computer with average capability, wired to the Internet.

We must highlight, however, that there is another cost implicit on the general cost which is not low: the cost of education, and of digital inclusion. That is, people need to know how to use technological tools with a certain degree of complexity that varies from medium to high. This way, the e-Democracy participant, even if it maybe doesn’t need to spend money to be able to give his or her opinion regarding a certain bill, should possess the minimum capability to use such technological tools.

What should be done with those people who can provide valuable contributions for the Climate Changes National Policy, but don’t know how to use the Internet? Indeed, it will be very difficult to include potential participants who don’t have any degree of intimacy with the use of this global net. This is one of the project’s limitations, since it depends on the knowledge of the virtual communities’ tools to use it.

However, even with the access difficulties that the digital world present to the user, the minimum familiarity requirements, and the educational conditions, still the project presents participation possibilities which don’t necessarily need to be direct. May we explain it with a true example. As seen before, on the digital participative budget, promoted by the municipality of Belo Horizonte, the government placed all over the city kiosks with computers, and operators who would collect the citizen’s opinions about how the mayor’s office should use the budget. This way, the citizens didn’t need to operate the system, but only express their opinion to the technicians who fed the integrated database.

The same way, some potential participants on the e-Democracy platform can, even not knowing how to access virtual communities, or who do not have experience, or patience to do it, they can use other people or technicians to assist them. This way, it’s reasonable to imagine that, if the e-

\textsuperscript{10} Lobby is not yet a regulated activity in Brazil, although there are some bills submitted to the House with this objective.
Democracy Project offers available access for the people’s participation, these people can participate in several different ways. This participation can also be indirect, that is, with the assistance of other persons with a minimum capability to use a computer wired to the Internet, even if it is at a lan house, or at one of the many telecenters spread all over the Country.

All of the aspects mentioned up to now depend on a great factor of a minimal infrastructure which without it the use of the platform will not be viable. The e-Democracy Project presents several digital participation tools, like forums, chats, and (as already mentioned) a Wiki environment. We are interested on knowing if the platform demands minimal infrastructure conditions too high to function. Let us picture this on the Brazilian scenery, because we’re searching exactly for the Brazilian citizens spread all over the country who have the conditions to participate. To summarize, would it be any Brazilian with a microcomputer with minimal hardware, and Internet dial-up wiring who could access the e-Democracy platform?

According to the ICT’s data from the Center for Studies about the Technologies of Information and Communication\(^1\), 40% of the Brazilian homes with computers wired to the Internet use the dial-up\(^2\) system. This means that the e-Democracy platform, to function well, having all its tools used, can’t demand high speed processing microcomputers, and broadband Internet access, since a great number of Brazilian users don’t have these requirements. This problem could jeopardize the whole project since the beginning. That means, on their daily lives people wouldn’t be able to access, or even use what the e-Democracy Project has to offer. Thus, the platform must be light, and accessible through any machine with minimal conditions.

The e-Democracy platform’s technological base is an open code software called Dot Learn (.lrn)\(^3\) which has the great advantage of being for free, and demands small microcomputers to be used. After a few tests, we verified that the e-Democracy platform is easily used by low-capacity computers, with slow Internet. Notwithstanding, there are a few functionalities of the e-Democracy Project which may create problems for this kind of user with less potent machines. The Avatar tutorial, for example, tends not to work so well on these machines, since it demands hardware and Internet’s more

\(^{1}\) The Center for the Technologies of Information and Communication Studies – CETIC – is responsible for the production of indicators and statistics about the availability and the use of the Internet in Brazil. It makes public the periodic analysis and information regarding the development of the Net at the Country. More information are available at the site www.cetic.br.


\(^{3}\) Assessed at the site: http://dotlrn.org/
sophisticated conditions. However, the main platform’s functionalities do not present any access difficulties for the Brazilian average user.

Conclusion

After all, in which way does this social interaction, through a concrete point of view, can be useful for the parliamentary work? We consider there is low probability of deputies following up the e-Democracy platform parliamentary discussions on real time. Although some deputies, especially those interested on this subject, want to know the discussions’ content they hardly will have the time, or the conditions to follow up the whole debate online without proper specialized and engaged assessors to intermediate, since most part of them are not familiar with this kind of tool. For that reason, we believe that the main result of the e-Democracy Project is the emission of several reports with full content, as well as the discussions’ synthesis, through which the deputies will perceive the opinions of people and groups, in an organized way.

The project’s result in each case, that is, the final report with several ideas, suggestions, and experiences from different social segments interested on the subject, will bring together great information for the understanding of the public problem in question, the definition for a solution, and the transformation of this solution on a legal text. The e-Democracy Project perspective is the accumulation of information which probably wouldn’t be collected in other ways in these conditions: deep content and organized matter, reached on a short period of time, through fine representatives of the Brazilian society interested on environmental matters.

After analyzing the presentation of the e-Democracy tool and its functionalities, management needs, and participation costs, we conclude that the project fulfills the minimum requirements for the accomplishment of a democratic discussion, transparent and constructive, aiming the legislative formulation. Although there are still a few aspects to be improved, there is no doubt that the e-Democracy Project is valid as a people’s participation deliberative process on the parliamentary decision making system. We still need to know what will be the impact of this tool on the democratic process when used on a larger scale, and in a long term for the construction of other bills with different subject matters, especially the ones with coded content.
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