

Comments on House Bill No. 3238, entitled: “*An Act Establishing a Framework for Citizens Participation in Legislation and Rule-Making Through the Use of Information and Communication Technology Platforms*”. (In consolidation with House Bill No. 1677), Introduced by Representatives Luis Raymund F. Villafuerte, Jr. and Florida “Rida” P. Robes. (Crowdsourcing Act)

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The use of technology-enabled approaches to enhance citizen engagement in the policymaking process is gaining ground. One of these approaches is crowdsourcing, which House Bill (HB) 1677 defines as “the practice of engaging the individuals or a group for a common goal, often innovation, problem solving, or efficiency in the delivery of services” through the use of information and communication technologies (ICTs). As an emerging form of multistakeholder participation, crowdsourcing has a potential to harness participatory democracy. **HB 1677, therefore, is a relevant piece of legislation. However, to be effective, its proponents should consider the following points:**

1. **Since crowdsourcing is enabled by ICTs whose access is determined by income, education, and location, among other factors, participation favors the educated citizens, those who can afford to use new technologies, and those in urban areas.** In the Philippines, a 2019 report by the Asia Foundation, AusAid, and Coalitions for Change noted that almost 45 percent of Filipinos still do not have access to the Internet. This is a big part of the population who will not benefit from this approach—most of them belonging to the poorer segments of society who lack a voice in policy formulation and decisionmaking.
2. Related to the aforementioned point, the feasibility of crowdsourcing depends on the existence of participants who are able, willing, and ready to participate. It is therefore prone to self-selection bias. This brings about the issue of representativeness, which impinges on the inclusivity of this approach and the diversity of solicited views or comments. Both these factors—inclusivity and diversity—are important to uphold if policymakers want the process to be truly developmental and inclusive. Self-selection may lead to policy capture, wherein specific interests dominate, exacerbating inequalities.
3. As participants can self-select into the process, **it can be misused by certain individuals or groups to legitimize their concerns, negatively influence others, or spread disinformation.** Trolling is a common problem in ICT-enabled tools.
4. Given the foregoing limitations of crowdsourcing, **it should be used in combination with traditional methods of public engagement.** It should not be intended as a replacement.

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5. **There is also a need to overcome the barriers of participation in ICT-mediated approaches—whether for citizen engagement or other uses (accessing services, e-commerce).** This entails sustained efforts from government—in collaboration with the private sector—to improve the country’s physical infrastructure, make Internet access more affordable, promote the use of ICTs in education, business, and public governance, and develop the technology capacity of citizens to integrate ICTs into their lives.
6. The experience of Brazil in using crowdsourcing through its government’s NETmundial initiative shows the importance of having a clear and transparent process in the consolidation, analysis, and prioritization of participants’ views and inputs (Radu et al. 2015²). **Having a clear set of criteria or guidelines in deciding which comments to consider, prioritize, or reject—and who will do this—is important to prevent doubts about the legitimacy of the process and its outcomes, and avoid mistrust in the integrity of the process and in government.**
7. In terms of monitoring and evaluation (Sec. 7), **the feedback mechanism should ensure that concerns and complaints raised by the public, including those who participate in the process but feel that their comments have not been adequately considered, are properly addressed.** This is why item 6 is important.
8. **The use of proper indicators for monitoring and evaluation is also essential.** The experience of Estonia—touted as the most digitally advanced nation in the world—in using crowdsourcing to generate ideas from its citizens on how to amend its electoral and political party laws provides a useful framework for assessing what worked and what did not (King 2019³). Its Public Impact Fundamentals Framework contains the following indicators:
 - (a) **Legitimacy**, which consists of (i) public confidence or trust and satisfaction in the process, (ii) stakeholder engagement, and (iii) political commitment;
 - (b) **Policy**, which consists of (i) clear objectives and (ii) having a well-researched process and design; and
 - (c) **Action**, which consists of (i) having clear institutional regulations, (ii) clarity on how citizens’ views will be treated, and (iii) alignment of the initiative with values of improving public engagement and democratic accountability.

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² Radu, R., N. Zingales, and E. Calandro. 2015. Crowdsourcing ideas as an emerging form of multistakeholder participation in Internet governance. *Policy and Internet* 7:362-282.

³ King, M. 2019. Estonia citizens’ assembly, restoring political legitimacy. Case study. Arlington, US: Centre for Public Impact.