

The Future of Democratic Participation: my.con: An Online Constitution Making Platform

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Abstract. During the Arab Spring revolutions protestors used mobile communications technology and social media platforms to share information, mobilize supporters, and organize activities to bring about the political transformation of their countries. In each case the drafting of a new constitution was the next step adopted to continue that transformation. We ask whether the digital revolution that powered the overthrow of old regimes during the Arab Spring can also be used to facilitate a similar level of participation in the constitution making process and we present “my.con”, an online platform allowing citizens to collaborate in constitutional drafting.

Keywords: participation, constitution making, social media platforms

1 Introduction

Recent attempts to promote participatory constitution making in post-authoritarian Arab states have struggled to overcome the limitations imposed by citizens’ lack of familiarity with substantive issues, or the lack of experience of incorporating citizens’ views into deliberations and drafting. Increasingly however these limitations are being overcome by advances in digital communications technology. Today young people get their news from social media and Internet platforms and they are more likely to get political and social information and advice from blogs or microblogs. Globally, Arab youth are the most likely to exchange political views on line. This paper addresses post-conflict constitution making as a key stage in the transition to democracy in the context of the Arab Spring revolutions. It analyses the findings from studies of constitution making practice in post-conflict states and identifies a number of prerequisites for meaningful participation. After reviewing recent developments in mobile communications technology and social media use in the Arab region, the paper presents “my.con” an online platform allowing citizens to participate in different stages of the process and collaborate in constitution drafting.

2 Defining Participation

If meaningful participation is the key to legitimacy in developing and sustaining democratic political systems, what constitutes meaningful participation? For the vast majority of citizens participation was traditionally limited to voting – either to elect a constituent assembly at the beginning of the process, or to endorse or reject the constitution when drafting was completed [20]. Since the end of the Cold War, efforts have been made to broaden participation in the constitution-making process in recognition of the growing importance of popular engagement as a basic right and a source of legitimacy. While there have been some outstanding examples of successful processes, a review of the literature suggests that progress has been uneven. This seems to be partly as a result of the daunting logistical challenges, partly a consequence of poor planning, and sometimes due to a lack of conceptual clarity. A number of pre-requisites for meaningful participation are identified.

2.1 Forms of Participation

Constitution making is participatory if it incorporates opportunities for the broader public to engage in the process through some combination of oversight, direct input, and ratification [13]. Traditionally the most common forms of participation have involved voting: either at the beginning of the process when citizens might have the opportunity to elect representatives of a deliberative body to draft the constitution, or in a referendum to endorse or reject the draft constitution produced by an assembly or commission [15,14,31,6,9,20].

2.2 Electing Representatives to Prepare the New Constitution

The members of the entity responsible for preparing the new constitution can either be appointed to a commission or elected to a representative assembly [15]. In the case of a commission membership is usually based on technical expertise but may also reflect political affiliation or social diversity. The assembly is a democratic and representative body, and is usually elected. Depending on the specific process this type of participation has both advantages and drawbacks. In some cases a proportion of the delegates may be nominated to represent special interests [15,20]. The representative body may be a constituent assembly elected specifically for the purpose of preparing the new constitution or it may take the form of a regular legislature with an additional mandate to produce the new charter. In the context of a post-conflict transition the election of a constituent assembly is seen as providing an important opportunity for reconciliation through national dialogue [31].

2.3 Approval by Referendum

The draft charter is made public and citizens vote in a referendum to approve the proposed constitution, usually in a ‘yes’ or ‘no’ vote on the charter as a whole. Since

the early twentieth century public ratification has been the most common form of public participation in the process of producing a new constitution [20]. The knowledge that the charter will have to gain the formal approval of the citizenry helps to ensure that the drafters give due consideration to the expressed interests and aspirations of the people [15,7]. Processes in which public participation in a referendum was required to approve the constitution also tend to produce constitutions that adopt the referendum as a mechanism for public participation in governance decisions in the future [7,31,34]. Some experts believe that while the referendum is a useful legitimizing device, it may not actually be necessary if the constituent assembly is fully representative, and can actually complicate matters and produce fresh divisions in society [15].

2.4 Civic Engagement and Outreach Campaigns

In recent years constitution-making processes have experimented with a growing range of strategies and methods that seek to educate citizens on the basic elements of constitutionalism and to survey their views or provide formal opportunities for consultations with groups representing various political, religious, professional, economic, cultural, and social interests and rights [21,34,32]. Brandt et al. [9] make the distinction between direct and indirect forms of participation. Direct participation includes traditional approaches that range from face-to-face meetings, community gatherings, and national conventions focusing on key interest groups or themes, to debates on specific issues and options, and public opinion polling using digital technology. Mechanisms to solicit and process written submissions are designed and incorporated in the formal process. Submissions can come from individuals or formally constituted bodies. Indirect forms of participation can vary from demonstrations in support of particular interests to other forms of lobbying, to any form of community or group mobilization or collective action to create pressure for a particular demand. It also includes written submissions and petitions submitted by individuals and groups where no formal process or mechanism exists [15,21].

2.5 Combining Forms of Participation: The South African Process

Most processes today use a combination of voting with civic engagement and outreach to promote popular involvement. Probably the most successful participatory constitution-building campaign ever conducted was the South African process that took place between 1989 and 1996 [21,9,1]. In April 1994, voters elected representatives to a constitutional assembly. From 1994 through 1996 these representatives engaged in an intensive outreach campaign to educate the public and provide opportunities for them to express their views and make submissions to the drafting body. A multi-media campaign provided information and awareness raising material via newspapers, radio and television, billboards, and public buses. The assembly also published its own newspaper reaching a circulation of 160,000. Humour was also employed to spark interest and fuel debate using cartoons. A website was designed to provide up-to-date information, and public meetings were organized to provide in-

formation, share opinions, and solicit input. Altogether these efforts are estimated to have reached some 73 percent of the population. The success of the campaign in generating public participation can be gauged from the two million opinions, petitions, and other contributions submitted to the assembly by individuals, civil society organizations, advocacy groups, professional associations, and other bodies between 1994 and 1996.

3 Post-Conflict Constitution Making

The many ways in which a constitution-making process contributes to the development of a democratic system are well documented [7,16,32,14,21]. A constitution establishes a system for the distribution of power and resources in society, regulating political institutions, constraining executive power, and protecting fundamental rights and privileges. By reaching out to the various communities and constituencies and bringing them together around the goal of developing a new constitution, the process can contribute to peacebuilding and reconciliation, educating the population and engaging them in a national dialogue on the form and function of the future state and their place in it. In the immediate aftermath of a revolution a participatory constitution-making process can serve two particularly urgent functions: (a) it provides a platform for engaging the major groups in society in the development of a new political system; and (b) it establishes a foundation for a culture of democratic political behavior without which the democratic transition is unlikely to survive.

3.1 The Challenge of Transition

In a revolution, those demanding radical change confront the reactionary forces of the old order and seek to replace a political system that does not meet their needs. Many internal conflicts occur when this political system fails to resolve differences between major groups in society. It may be that the old arrangements are no longer acceptable to some groups, or that the regime has taken on new powers and underestimated the depth of popular discontent and frustration. The overthrow of an autocratic regime tends to result in varying degrees of disruption and disorder as newly empowered actors seek to establish the legitimacy of the new political system. System legitimacy is derived from the belief that the existing political institutions are the most appropriate ones for the society [19]. It is generated from one of three sources - traditional, charismatic, or rational authority, or a mixture of the three Weberian types [35]. The main challenge of transition is to agree on a new system that satisfies the needs of these groups, sufficiently at least to allow the transition to proceed. If the proposed political system or the roadmap to produce the new system is not perceived as adequately accommodating to the claims of the major groups in society, a new crisis of legitimacy may develop during the transition [19]. The challenge for the interim authorities is to ensure the legitimacy of the new political system, its institutions and working arrangements, in the eyes of the major groups in society?

3.2 Legitimizing the New Order

The legitimacy of political institutions in Arab states tends to be based more on charismatic, strongman leadership or traditional arrangements rather than rational or legal authority (Lewis 2005). The overthrow of the old regimes in the Arab Spring revolutions removed the strongman rulers and sought to replace their political institutions with more rational legal arrangements accountable to the people. The most important challenge they face is how to establish a system that reconciles the demands of major groups with competing claims, historical grievances, questions of authority over particular communities and geographical areas, and issues of representativeness or legitimacy of transitional institutions or arrangements [19].

Proponents of participatory constitution-making point to a growing body of evidence that popular participation can build consensus among the main political groups about the type of political system and institutions [21,34,14,31]. If the public consultation process produces a broad consensus, it can become a cornerstone for the legitimacy, acceptance and stability of the new regime [23]. A representative process can significantly reduce the demand for renegotiation or the resistance of groups who claim that their interests have been neglected. In the post-revolution vacuum it can also help guard against manipulation by dominant or politically adept actors seeking to impose a particular agenda or to consolidate power. Experience suggests that even if people have not fully understood the issues, or the process was largely ceremonial they still feel a degree of ownership of and commitment to the resulting constitution [14].

The right to public participation in democratic governance exists in international law, notably in the International Covenant on Civil and Political Rights, which establishes minimum obligations for participation in public affairs [21]. In addition, the United Nations Committee on Human Rights has recognized a specific right to participate in constitution making [21]. In the context of a post-authoritarian transition the right to participate goes well beyond the legal dimension: the emotional importance of consulting the people who have fought for their right to decide what type of state and government they want cannot be overstated. Participation in the constitution-making process acknowledges the role they have played and the sacrifices they have made, and gives them the opportunity to build a legitimate new constitutional order.

3.3 Developing a Democratic Culture to Sustain the Transition

A second fundamental question for post-revolutionary Arab countries is how can they develop the democratic political behavior to sustain the transition? Experience shows that the violent overthrow of a regime tends to produce a “commandist” political culture that favors those who have more radical, militant, extreme, unquestioning, totalistic agendas. These groups tend to be driven by an ideal that fuels a belief in their monopoly of legitimacy, which is used to justify a lack of willingness to compromise or moderate demands. The singularity of purpose that inspired their military campaign against the old regime metastasizes into intolerance of other political forces whose opposition views are characterized as support for the former regime [11].

Democracy depends upon having not only the proper political institutions but also a democratic political culture – the values, attitudes, and perceptions that determine the way citizens think, believe and behave socially and politically [3]. High levels of interpersonal trust, political interest, involvement in community and civic organizations, and tolerance of others are all essential components of a democratic political culture [11]. These characteristics tended to be low among Arab citizens in the five societies that were surveyed twice in the Arab Barometer and actually decreased between the first and second surveys [33]. How, after decades of dictatorship, can they develop the culture of moderation, accommodation, cooperation, and bargaining among political elites that will allow them to sustain the transition and not revert to the strongman, “clever personality” [2] authoritarian rule of the past? Transforming the political culture of a society is one of the most difficult aspects of any post-conflict transition. Deeply engrained political and social practices built up over decades do not change with the holding of an election and the adoption of a new constitutional framework – it requires long-term strategies that engage citizens through cycles of civic education, dialogue and participation [32].

Research undertaken by the International Institute for Democracy and Electoral Assistance (IDEA) in twelve countries emerging from civil conflict or authoritarian rule suggests that constitution making processes that adopted participatory strategies and methods contributed to democratic education in societies that had not had political freedom or the chance to shape the governance of their state in the past. This led directly to the political empowerment of wide sections of the population and contributed to constitutions favoring free and fair elections, greater political equality, more social justice provisions, human rights protections, and stronger accountability mechanisms [31,22]. This is supported by Ghai and Gali [14]: “A constitutional review process with a careful scheme for public participation can, to a considerable extent, familiarize the people with the concept and procedures of political authority, and win support for the idea of a limited government that is bound by rules and accountable to the people”. Research by the Comparative Constitutions Project also supports the contention that participatory processes produce constitutions that create better conditions for democratic consolidation by requiring governments to hold a national referendum when major changes in governance are proposed, and by guaranteeing a public role in approving constitutional amendments [20].

Overall, findings and analysis from a range of studies indicate that a participatory constitution-making process contributes to the transformation of the political culture by raising people’s expectations through education about their rights and responsibilities and how they can engage with fellow citizens to bring about changes in government without resort to violence [5,21,14,15,20,26,32].

3.4 Limitations

For some scholars the risks of high levels of popular participation outweigh the benefits. Landau [25] cites Bolivia, Venezuela, and Egypt as examples of transitions where participation has created opportunities for powerful individuals and groups to manipulate popular demands, polarize participation and impose authoritarian agendas

at a time when institutional order is weak. Other researchers point to experiences where consultation has fuelled unrealistic expectations that cannot be met from states' limited resources, enshrining unattainable aspirational rights into the constitution, and subsequently failing to deliver on these rights in practice, thereby undermining the credibility of the participation process and jeopardizing the legitimacy of the constitutional order [26]. Nor are outcomes such as legitimacy and commitment as assured as some proponents might suggest: the IDEA study also found that while participatory processes resulted in constitutions enshrining rights for previously marginalized or excluded groups, or include provisions addressing issues of social and economic justice, and accountability "[t]hese provisions did tend to render the adoption and enforcement of the constitutions more controversial, as they were often perceived by the elites as a threat to their power or privilege" [32,22]. Analyzing the high level of participation in the Ugandan process, Moehler [27] concluded that those who had participated actively in the process were no more likely to support the constitution than were other citizens.

Overall, however, there is a large and growing body of research to support the contention that properly constituted popular participation in the making of a democratic constitution serves to legitimize the new political order and to initiate the development of the civic culture that is needed to sustain the transition to democracy.

4 Towards a Formula for Meaningful Participation

What constitutes meaningful participation by citizens is contentious at the best of times [4]. There is no set pattern for public participation in constitution making processes. In most cases it is seen as an element of the design of the overall process, in some it is an afterthought: "actual constitutional design processes employ scattered and usually rather anemic forms of popular participation and oversight to substitute for actual consent" [7]. Highlighting the absence of established standards for assessing whether a constitution-making process has been "free and fair" Brandt et al. [9] note that many processes are undertaken with little reflection about what constitutes a genuine and effective public consultation campaign. Large sums of money are spent only to have the views ignored or never analyzed.

In this section we look at some of the basic requirements for people to be able to understand and engage in constitution making. We then suggest a combination of elements that taken together could constitute a basic formula for meaningful participation in the process.

4.1 No Participation without Education

For their vote in the constituent assembly election to represent some form of meaningful participation, citizens need to be provided with a basic education on what a constitution is and what they can expect from it, what functions it performs in a democratic state, and how it can help build state institutions that better meet their needs as citizens and solve the governance problems that restrict their political, social and

economic development. This education is even more important in countries emerging from authoritarian rule where people are unlikely to be familiar with the concept of constitutional government or understand how a constitution can be used to protect their rights and fundamental freedoms and hold government accountable. Assembly elections and referenda are the most common traditional forms of consultation¹ [20]. However unless citizens have some understanding of how a constitution serves to determine their rights and status, the functions and limitations of government, the type of state they live in, and how their vote is likely to influence these provisions, citizens' participation in any constitution drafting election or referendum is likely to be a tokenistic exercise.

4.2 Forming and Aggregating Opinions

Deciding whether the provisions are acceptable and should be endorsed implies having had the opportunity to consider and discuss the alternative options in order to have formed an opinion in the first place. Opportunities need to be ensured for citizens to access impartial information about the range of options to choose between in designing the constitutional framework – whether in relation to the type of government, levels of decentralization, executive power and constraints, fundamental rights, etc. – and their relative merits and drawbacks. Debated in public, the worth of different options can be seen by the strength of the arguments supporting them rather than which proposals are supported by the most powerful representative or the largest number of people [5]. It also contributes to reconciling different points of view, and is an essential stage in a process of reaching the compromises that permit workable solutions to political and social dilemmas [8]. Through informed discussion and debate citizens test and challenge the opinions and arguments of others, and may be compelled to accept a particular conclusion.

4.3 Incorporating Citizens Views

Providing channels for citizens to communicate their views to the constituent assembly is essential for a participatory process. When citizens vote to elect a representative it is reasonable to expect that there will be some formal process or mechanism to communicate their views on particular issues or provisions to that representative or to the body to which she has been elected. It is also important to note that in many developing countries both professional experts and technocrats come almost exclusively from the more privileged sections of society, the elite class with preferential access to education and the upper echelons of the public service. At a minimum this means they are less inclined to know about or understand the particular problems that arise from systematic exclusion and marginalization. It almost certainly introduces a conservative bias to their approach to policy and social development. It also has an impact on

¹ The Comparative Constitutions Project (CCP): Analyzing data on the content of 806 constitutions promulgated between 1789 and 2005 by Ginsburg et al detected a significant trend since the early twentieth century, toward public ratification making it the most common form of public participation in constitution making processes [20].

the public's perception of democracy: developing a democratic civic culture involves nurturing a belief on the part of the individual citizen that their participation can have an impact; that even as a single individual their voice will be heard and at least considered in the deliberation process, particularly when it coincides with those of others [11]. Ensuring formal channels for communication with the assembly are built into the official process is essential to the effectiveness and credibility of the process.

4.4 Special Arrangements for Traditionally Marginalized Groups

What about special arrangements to solicit feedback from traditionally excluded or disadvantaged communities or groups in society? Where these groups or communities have been historically excluded from political participation exclusion becomes self-fulfilling as a result of disaffection and apathy towards the political system. Special representation measures are needed to eliminate this systematic discrimination [36]. Special group representation measures may also be warranted in a multi-cultural society where an indigenous community has the right to some form of self-government [24]. There is a strong case for special arrangements for these groups in the process [9,14,15,22]. Ghai [15] recommends that states allow representatives of minorities and indigenous peoples, and minority-representative institutions, a special role – such as initiation, prior consultation and special voting rights – regarding provisions that have a major bearing on minority rights. This would imply a process of prior consultation, and review of articles or provisions intended to address their marginalization, or at a minimum the opportunity to highlight which articles did not meet their expectations, either prior to or as part of a referendum.

4.5 Democratizing the Drafting Process

Going even further, a process that allowed specially convened citizens' working groups to collaborate in drafting articles about particular issues that were of profound importance to them would be an even more meaningful form of participation. Although some scholars balk at the prospect of methods that involve direct input from civil society citing "the magnitude of the challenges involved in absorbing public suggestions" or "the challenges of writing-by-committee, much less writing-by-nation" [20], it is difficult to accept that the advances made in digital media and communications technology do not offer more collaborative forms of drafting. In her book "Wiki-Government" former U.S. Deputy Chief Technology Officer Beth Noveck notes that while some activities require technical expertise, professionals, bureaucrats or lawyers do not have a monopoly on expertise: "a person may be expert on wetlands because she possesses professional credentialing. Another person may be an expert because she lives near one [...] for every project there is a different kind of expertise, which could be sought" [28]. Allowing members of particular groups, communities or professional bodies to self-select to participate in a drafting group of their choosing is one way. Indeed as Beth Noveck notes "The ability to self-select to participate in the arena of one's choosing is what makes collaborative democracy egalitarian" [28].

5 A Formula for Meaningful Participation

These requirements suggest some basic prerequisites, which – taken together – could be seen as a formula for meaningful participation in the constitution making process. They have been treated in varying degrees of detail in various studies of recent constitution making processes. However, a review of these documents suggests that the key to this formula is in the interdependence of the different elements [7,8,9,20]. A process that provides all of these options for engagement at some level constitutes what we believe is a platform for meaningful participation in the constitution making process.

1. *Information about the Process:* Citizens cannot be expected to engage in the constitution-making process if they are not given basic information about how it will be conducted: what it is, who is responsible, how much time has been allocated, whether it is divided into different phases or stages to facilitate agreement on fundamental principles or major considerations prior to addressing the details of individual provisions, whether there will be a civic education campaign, whether or not citizens or interest groups will be consulted or given the opportunity to participate, how the draft will be approved and adopted, etc.
2. *Resources for Education:* A well-designed scheme for public participation should provide people with digestible civic education material through a variety of appropriate channels and products. Topics should be tailored to people's interest and ensure a basic education on a range of political concepts and procedures of political authority, forms of government, accountability, and how they can participate in the affairs of the state and protect their constitutional rights [9].
3. *Forums for Opinion Formation and Aggregation:* Meaningful participation also implies individual citizens forming opinions about what they feel are the best options for them as individuals and for their family, and community. Opinions are formed when people receive balanced or impartial information about an issue, and have the opportunity to express their interests and concerns and to question one another, respond to criticisms raised, and critique the arguments and proposals of others. Citizens need to be given the opportunity to debate contentious issues, to understand what options are available, to form and aggregate opinions.
4. *Channels for Communication:* Citizens also need to be given the opportunity to express their opinions, demands, expectations and priorities and to know that their opinion will somehow be communicated to the body responsible for drawing up the new charter. For this to happen the official procedure needs to include processes for soliciting citizens' input at three levels: a) passive monitoring of public opinions about general issues (system of government, unitary or federal state structures, etc.) as expressed in debates, public discussions, using online and traditional media; b) consultation with interest group representatives such as civil society organizations, professional associations, trade unions, cultural associations and rights groups, and so forth, about specific provisions; and c) a process of actively soliciting individual citizens' and interest group submissions through a formal dedicated mechanism for submissions to the assembly.

5. *Inclusive Deliberation Mechanisms*: During the drafting phase, these monitoring and consultation processes need to be complemented by mechanisms for formally engaging representatives and experts in deliberations about specific provisions. It is at this level that democratic participation acquires its highest expression. Self-selecting representatives of civil society organizations representing minorities, people with disabilities or other traditionally marginalized groups or communities, and people with specific expertise can be invited to contribute to the drafting of particular provisions or articles or to provide feedback on drafts prepared by the responsible thematic committee or subcommittee.

6 Empowering Meaningful Participation in Constitution Making

This section of the paper looks at the rapid growth of Internet and social media use in the Arab Region in recent years and the ways in which Internet and mobile technologies are contributing to unprecedented social networking and activity. Here we pose the fundamental question: can the mobile technology and social media platforms that powered the Arab Spring revolutions also facilitate meaningful participation in the making of new constitutions for these countries? Can they be harnessed to meet the five prerequisites for meaningful participation outlined above? A review of how young people are using Internet and social media in the Arab Region suggests that all of these needs can be met much more effectively through Internet and social media platforms.

A 2013 survey conducted across the Arab Region by the Dubai School of Governance found that the region had more than 125 million Internet users with an average annual growth rate close to 30%. The average penetration rate in the region was almost 30 percent while some countries (UAE, Bahrain, Qatar and Kuwait) reached 50 percent or above. Even in countries like Morocco, Sudan and Yemen that had significantly lower penetration rates growth rates were among the highest in the region [12].

- Eighty-six percent of the 15 to 35 years age group access the Internet on a daily basis, compared with 63 percent of the 49 to 65 years group.
- More than one third (36%) of respondents reported spending between 3 and 4 hours on the Internet everyday.
- Forty-nine percent of respondents spend most of their time on the Internet after 6pm on workdays.
- Eighty-eight percent indicated that they access the internet from home, while 54% access the internet from work, with only 12% of respondents accessing the internet from school or university.

6.1 Access to information

Seventy-one percent of respondents in the Dubai School of Governance survey agree that online communication has replaced traditional communication, and 85% believe

that social media has enabled their social activity [12]. Forty-three percent connect with friends several times a day and 23% said they use instant messaging several times a day. The 2013 DSG report also supported the contention that a dedicated Internet platform could significantly enhance citizens' awareness of developments in the constitution making process [12]. The survey found that Internet is the primary source of news about current events for 36% of respondents, with more users (29%) getting their news from social media than from traditional media sources (28%). Facebook is the most popular social network with 54% of respondents indicating they use Facebook more than once a day, followed by Google+ (30%) and then Twitter (14%) [12]. 69% of respondents research their interests at least once a day and only 1% have never done so [12].

6.2 Customised education resources

Findings from the 2013 DSG survey strongly support the hypothesis that Internet can provide an important channel for education on the basic principles of democracy and constitution making, with one person in four taking online educational courses while one in three take language courses on the Internet [12]. Thirty-two percent of respondents use language learning platforms at least once a day and more than one-in-four (27%) take formal online courses several times a week, while 22% reported taking free online courses at least several times a week, 14% of these on a daily basis. The use of educational videos was particularly popular: 31% of respondents reported watching instructional videos at least once a day.

6.3 Opportunities to receive impartial analysis to help form and aggregate opinions

The use of weblogs or blogs during the Arab Spring revolutions showed the ease with which young people in the Arab region could share information using social media in an effort to influence their peer's opinions and shape their social and political reality. A 2012 survey of 3,000 Internet users conducted by the Ideation Centre in nine countries in the Arab Region also suggests that Internet platforms that incorporate blogging have the potential to play an important role in informing and shaping opinions on complex concepts related to values and beliefs [30]. This was reinforced by the finding that almost all religious figures in these countries now provide online guidance through their own blogs allowing lay people to access different schools of thought and effectively removing the hierarchical aspect of religious discourse. Seventy percent of respondents reported using Internet to explore different aspects of religion and find answers to questions [30]. Responses to the 2013 DSG survey support this contention with 41% of respondents reporting that they read educational blogs at least once a day [12].

6.4 Channels for expressing these opinions and communicating with those responsible for preparing the draft charter

A 21-nation survey conducted by the Pew Research Center's Global Attitudes Project highlighted the fact that social media users in Egypt, Tunisia, Jordan, and Lebanon were much more likely to express their opinions about politics, community issues, and religion. Between 60 and 68% of social media users have posted comments expressing their opinions about politics online. This is up to twice the median (34%) across 20 of the nations surveyed. Similarly while a cross-national median of 46% reported sharing their views about community issues on social media, the figure rises to 82% of users in Tunisia, closely followed by 81% in Lebanon, 80% in Jordan, and 74% Egypt. In the same survey users from 63% of users from a median of 14% reported sharing views about religion on social networking sites – the figures for three of the four Arab Region countries were almost four times higher. Although the majority of Arab Internet users surveyed in the 2012 Ideation Centre study have not used any online platform to participate in government processes many say they would if they were given the opportunity. More than half respondents (56 percent) in post-revolution Egypt said that they would use such a service, compared with 28 percent in Algeria. Interestingly, 43 percent of respondents said they would use such a platform is to give a suggestion, while 39 percent would use it to voice opinions about political or social matters, and 29 percent would use it to compliment the leadership [30].

6.5 Collaborative Drafting Mechanisms to allow citizens or representatives to collaborate in drafting specific elements of the new constitution

On 9 March 2011, in response to a wave of demonstrations across by the country demanding democratic change, the King of Morocco appointed a commission to draft a new constitution. Moroccan citizens would be given the opportunity to vote in a referendum on the constitution as a whole at the end of the review process [22]. There were very limited opportunities for meaningful engagement.² In an effort to promote meaningful participation in the process activists³ launched the website www.reforme.ma on which they uploaded the entire existing constitution and asked citizens to show their support for – or dissatisfaction with – each article or part of an article in the constitution thereby indicating clearly to the members of the appointed commission exactly where they wanted changes to be made. People were also able to rewrite articles or add new ones. To attract people to the site, Reforme partnered with Facebook groups created by activists and CSOs. Full Facebook and Twitter integration allowed anyone who was a “friend” or “follower” of anyone already commenting

²The commission was headed by an advisor to the king, as was a consultative body whose role was to liaise between the drafters of the constitution and political parties, labor unions, professional and business associations, NGOs and any individuals interested in making a submission to the new constitution. In a classic example of “participation without power” there was no follow up or debate once the submissions had been made and the members of the consultative body were only shown a written draft of the new constitution the day before the king presented it to the nation in a televised speech [29].

³Led by Tarik Nesh Nash.

on the site to see what her friend on Facebook or Twitter opted to “Like” – essentially creating a viral effect.

On the strength of this review it would seem that social media and mobile communications technology have significant potential to overcome the limitations experienced by traditional forms of participation. If this is the case, how would advocates of online participation go about building an Internet platform that delivers the five elements identified in the formula presented above?

7 “My.Con” – Options for Digital Participation

This section presents a proposal for an interactive Internet platform that deploys social media tools and applications that have revolutionized the way people learn, communicate, and network to maximize the opportunities for citizens to keep up to date with the process, learn about the issues, seek advice, debate options and share opinions, propose submissions, and collaborate in drafting specific provisions. Each of its main features is designed to address one of the prerequisites in the formula for meaningful participation so that together they constitute a comprehensive online platform for popular participation on an unprecedented level.

7.1 Internet Notice Board

The greatest utility would surely be served by an online notice board that concentrates in one site information about the official constitution-making process and also features all the major news stories about related developments and events as they happen. Ideally this part of the My.Con platform would have a formal link to the constituent assembly secretariat to receive official information on the programme and updates on the work of the assembly and its various committees and sub-committees. In addition to news sourced through RSS feeds the Online Notice Board would engage traditional media to both share relevant news stories and re-broadcast content that has been developed through the platform. This would both ensure a regular flow of relevant news while extending the reach of the platform to citizens who do not have access to Internet. A linked page would provide NGOs with an online platform to publicize their civic awareness and outreach work on the constitution-making process. Information about events such as public debates, conferences, town-hall meetings, training workshops, youth forums, etc. would be solicited from NGOs and published in a calendar of events. Planned events would be shown on an interactive map so that people could see what is going on in their area. This would also allow the constituent assembly and NGOs to see what areas are underserved with civic education activities and take action to organize events for people in these areas.

7.2 Online Video Tutorials

The objective of the online education section of the platform is to empower citizens with education about the main constitutional topics and issues so that they can participate meaningfully in the process. A basic education on the key issues would allow people to engage in informed debate, advocate for specific rights and interests, and contribute to decision-making about the future of the state. This section would feature a series of 2-to-3 minute video tutorials introducing basic concepts related to democratic government, constitutions, and the constitution making. The mini-tutorials would be presented by a qualified communicator and illustrated with visual representations using images, graphics, art, etc. to help the viewer remain engaged and better understand the concepts being presented. Users would be able to watch tutorials online (streaming) or download to a device. The download feature is included so that people who do not have access to Internet can also benefit from the tutorial. It also allows the tutorial to be shown to a group – e.g. students in a class or lecture setting, family members at home, NGO staff or members, etc. This function is typically undertaken through workshops or printed material. Working in partnership with universities, secondary schools, NGOs, and traditional media using a carefully designed dissemination strategy would help ensure the tutorials would benefit a broad section of the popular.

7.3 Expert Discussion Forum

At the heart of the My.Con platform's online discussion forum is the idea that information or analysis from credible sources helps people form their own opinion about an issue, particularly if the information is accompanied by a discussion or commentary from a range of perspectives. The forum centres on a blog with regular posts that shed light on a constitutional topic or recent development, highlight the main points in a process, or offer useful suggestions about how to improve knowledge or take action. Short posts like "Five Things the Constituent Assembly Needs to Do in Its First Meeting" or "Three Ways You Can Participate in the Constitution Making Process" empower users quickly with information they need to get involved in the process. Readers can also leave comments in an interactive format that acts as a kind of discussion forum. Research suggests that the inclusion of a discussion forum where users can agree or disagree with the position taken in the blog post and write comments contributed significantly to the popularity of many blogs. It also helps inform users' opinions about the major questions as they arise or the choices that need to be made in relation to specific options in the constitution making process. Expert contributors would also identify the critical questions about the blog theme that would constitute the subjects for the discussion forum, and facilitate an online question and answer session in real time on the issues highlighted in the blog. These sessions would be widely publicised on the blog page and through dedicated platform Facebook and Twitter accounts to attract user participation.

7.4 Upload Your Submission Channel

The objective of the “Upload Channel” part of the platform is to mobilize members of the public to record and upload their personal submission - or that of a relative, friend or neighbor - to the constituent assembly. Anyone with access to a smartphone will be able to submit their opinion by recording and uploading a short (30 second) video explaining the priorities to be included in the constitution or addressed by the Drafting Assembly. Uploaded on the constitution making platform, YouTube, and social media these videos become a form of submission to the constituent assembly. Users will be able to select an option to have their submission automatically posted to their Facebook page and shared with their friends, and to be entered in a weekly competition where videos are posted on the platform Facebook page and users vote for their preferred upload. To make it easy for people to record their submissions, a specially designed app providing a one-touch record-and-upload service could be developed and made available for download free-of-charge. This can be a particularly powerful way of giving voice to people who might not otherwise be able to interact with the constituent assembly or submit any proposal to them. At different stages in the process a video-collage could be compiled bringing together the video submissions that best express the views, concerns and aspirations of citizens for the new constitution. Special screenings could also be organized for the assembly both individual videos and the final collage could be widely disseminated through social media, YouTube, television, and traditional media.

7.5 Collaborative Drafting Forum

This component of the My.Con platform would engage online teams composed of civil society representatives, interest group advocates, and academic experts in the collaborative drafting of articles using a specially designed wiki. The primary users would be self-selecting experts and representatives of civil society organizations who speak on behalf of a CSO, professional association, NGO, academic body, or group of students. The teams would be structured with set roles assigned according to different types of experience and qualifications matched to key tasks. For example, roles could include facilitator, drafters, advocates, subject specialists, and researchers who review and analyze proposed articles, research, upload, annotate and cross reference relevant articles from other constitutions draft new formulations and submit for review. Inspired by the Peer-to-Patent initiative [28] the forum will make extensive use of a visualization process by which participants can see on their screen the roles they have accepted and tasks they have been assigned. Draft articles could be shared on Facebook and voted on by the public prior to submission to the constituent assembly. This facility could also be used to organize public commentary on individual articles following the publication of a draft constitution prior to referendum. Citizens would be able to identify articles that they did not agree with and propose alternative formulation or provisions, or to vote for the constitution on an article-by-article basis.

8 Implementation

Would it work? Constitutional law is a dull subject at the best of times. Would people make use of a social platform about constitution making? A 2012 Stanford University study of the impact of social media on social unrest in the Arab Spring countries could provide the key. Researchers found that “In the hands of civil society members, the Internet has enormous effects upon protest probability” [10]. Results from the study provide strong evidence that the probability of having participated in the protests increased up to ten times among people who were both members of civil society groups and Internet users. Most interesting is the finding that it is the combination of civil society group membership reinforced with virtual community membership that seems to be the strongest motivating factor in bringing about participation in protest activity. The study supports the theory that Internet communities can serve a similar function to civil societies in that they provide a platform to connect individuals who share a common interest. Online collaboration is enhanced when participants have already developed shared interests through membership in actual civil society networks. The online platform allows them to discuss common socioeconomic grievances and political concerns in the same way as a physical meeting. In the case of the online collaboration however the obstacles presented by security, transport, time, and limited physical information resources are removed and the potential for participation is limitless. This finding, that social media can best facilitate participation when it builds upon existent social ties, such as those created in civil society groups, may be the key to a successful platform. Given the potential of social media platforms offer to meet the basic prerequisites for meaningful participation this would seem to suggest that a dedicated platform that made the information, education, opinion formation and communication opportunities available would, in the first instance, have the maximum impact if it were made available through civil society organizations with an existing membership base.

9 Conclusion

Traditional forms of engagement in constitution-making processes have had limited success in delivering a basic combination of prerequisites for meaningful participation. But Internet and digital communications technology are already overcoming these limitations. Today there are social media platforms that respond directly to the need for information about the process and offer online education about substantive issues; blogs and micro-blogs that provide guidance on contentious issues and options; and any number of new apps that could facilitate consultations with citizens and ensure that the outcomes of these consultations are synthesized and incorporated into deliberations and drafting. Internet and mobile communications technology are fueling a level of networking and social participation that used to be the stuff of science-fiction movies. The paper hypothesizes that participation in constitution making can be revolutionized with an online platform that offers information and targeted education features and deploys tailor-designed apps to allow users to express their opinions

and communicate them to the official drafting body. A proposal for the design of such a mash-up platform was presented as a model for testing inappropriate constitution making contexts.

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