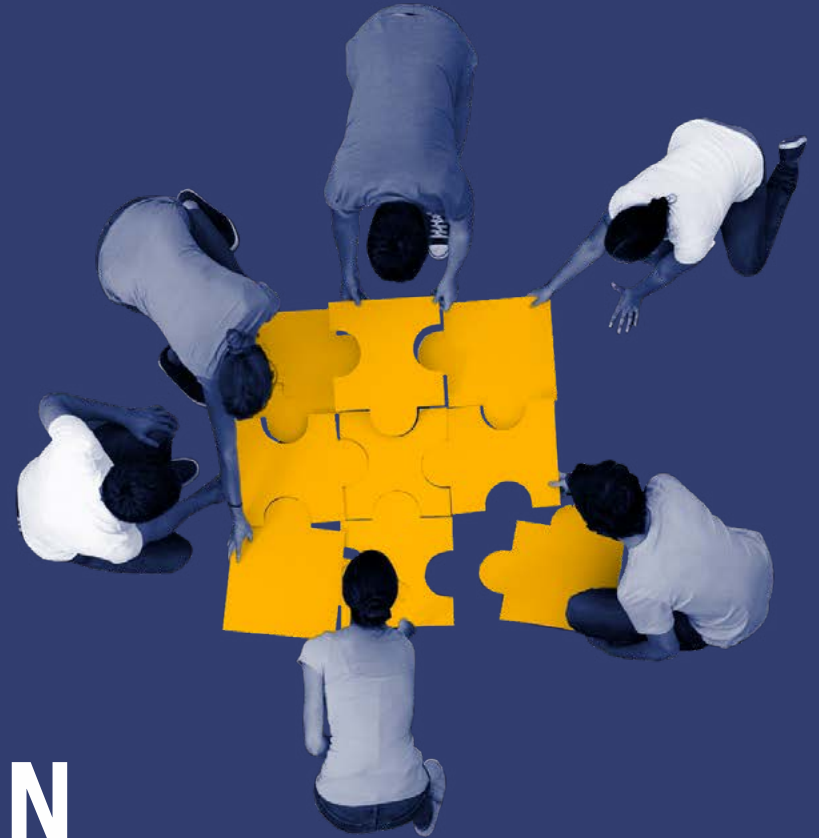# TIGTECH

3 NEW COMPETENCIES FOR A MORE COLLABORATIVE COMMUNICATIVE TECH GOVERNANCE

NO.3

NOTHING ABOUT US WITHOUT US – INVOLVING CITIZENS IN TECH GOVERNANCE

This was created as part of the final findings of the TIGTech, Trust in Tech Governance initiative

To see the full document, please click here

To know more about TIGTech and Involving Citizens in Tech Governance, please contact Hilary Sutcliffe on hilary@societyinside.com

Society Inside
People Shaping Innovation

Fraunhofer

THREE COMPETENCIES FOR A MORE COLLABORATIVE, COMMUNICATIVE TECH GOVERNANCE

Trust is an outcome best achieved by focusing on others. So attempts to earn trust should start with understanding and involving stakeholders, including citizens.

New skills will be needed. TIGTech research identified three which both embody and include the drivers of trust:

Showing evidence of trustworthiness – a new approach to communication

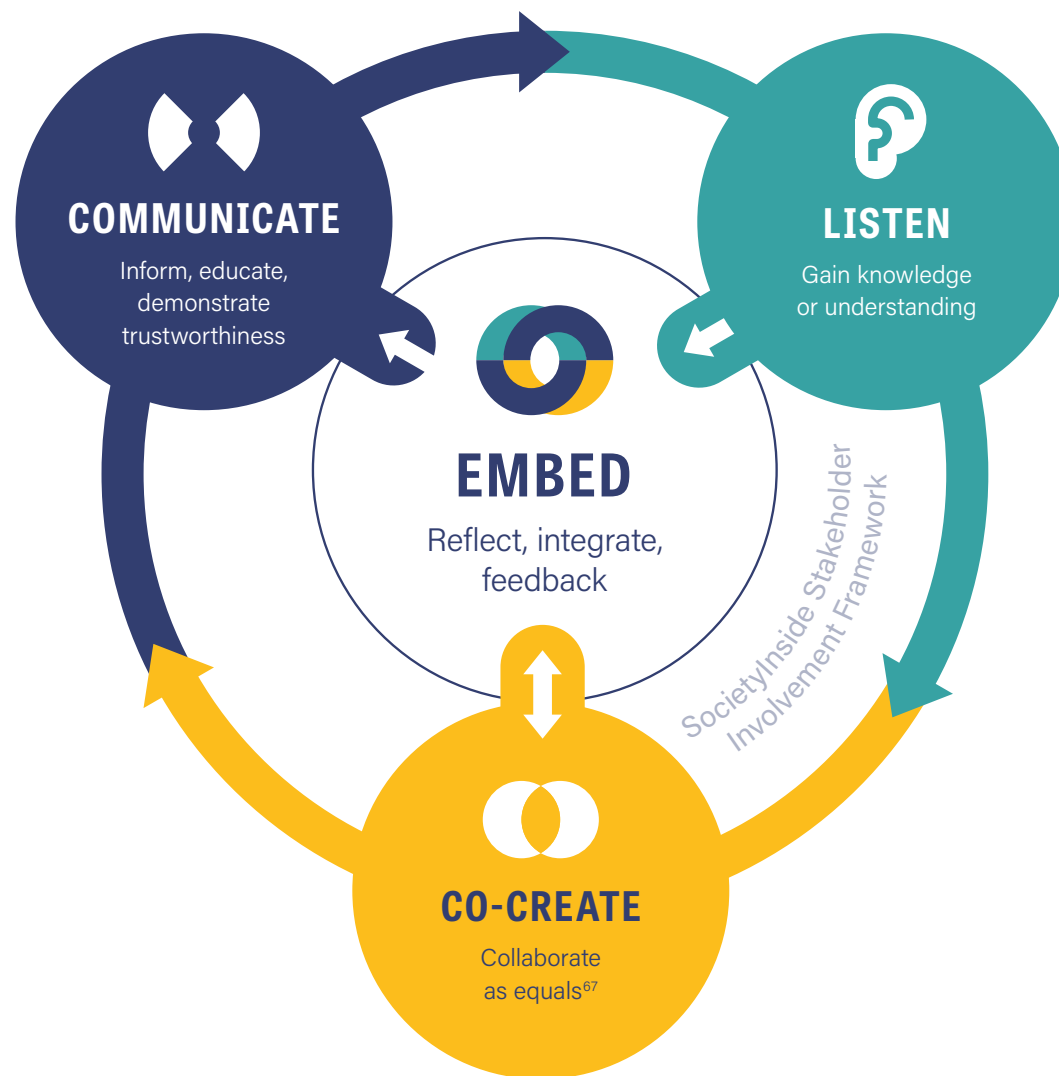**Building trusted environments for governance design**

Involving citizens in governance design – 'Nothing about us without us'

Tech governance organisations
engage with their stakeholders
in three main ways – through listening,
co-creation and communication.
All for the overarching purpose of
embedding the knowledge gained and
the perspectives of those stakeholders
into governance design, application,
enforcement and outcomes.

———

NB: The three skills outlined here focus on listening, co-creation and communication – we would like to have been able to find out more about the all-important process of embedding citizen and stakeholder views and priorities within governance design and decision making. Unfortunately this was not possible – partly because such information appears scarce and partly because of the time constraints of the project. (We are seeking funding for this in our next phase of work).

COMMUNICATE
Inform, educate,
demonstrate
trustworthiness

LISTEN
Gain knowledge
or understanding

EMBED
Reflect, integrate,
feedback

*SocietyInside Stakeholder
Involvement Framework*

CO-CREATE
Collaborate
as equals[67]

'NOTHING ABOUT US, WITHOUT US'. INVOLVING CITIZENS IN TECH GOVERNANCE DESIGN

"

People are more likely to trust a decision that has been influenced by ordinary people than one made solely by government or behind closed doors" [81]

The 7 Trust Drivers show how involving and taking seriously the views of citizens is important for trust:

► **Intent** – It brings greater depth to understanding of what constitutes the Public Interest

► **Competence** – It helps understand expectation and the issues that citizens consider important for governance to deliver

► **Respect** – It demonstrates respect; citizens can see that their views have been taken seriously

► **Integrity** – It helps ensure that one single stakeholder group does not have undue influence on a decision

► **Inclusion** – It gives agency to citizens to shape the technologies that are in turn shaping their lives

► **Fairness** – It demonstrates a commitment to fairness and 'procedural justice'

► **Openness** – It opens up processes to wider scrutiny, incorporates a broader spectrum of views and helps provide evidence of trustworthiness

But why is involving citizens important to governance?

Here are five reasons why collaborating in governance design with citizens makes emerging tech governance better:

1 To access their diverse expertise

2 To spot real world gaps

3 Because 'more of us' are wiser than 'some of us'

4 It gives greater legitimacy to decisions

5 People deserve and may wish to have a say over issues that affect them

To explore these in more detail:

> **" There is a deep running fear of citizens in parts of government. Citizens are often seen as a baying mob or unruly mass. Often the metaphor that springs to mind for civil servants is that of a tidal wave of criticism and scorn, which will inevitably come crashing down if the 'floodgates' of active citizens are ever opened".**
>
> Myth 4 of citizen engagement with policy – Involve, Dialogue specialists.[82]

Engaging citizens is not about standing on a podium in a town hall getting shouted at (though sometimes respectful listening to heartfelt concerns in such a setting will be important). The almost 300 processes showcased in the OECD 'Innovative Citizen Participation and New Democratic Institutions – Catching the Deliberative Wave'[83] report show that when citizens are treated respectfully and when they are given time and agency to contribute, it is a valuable experience for all concerned.

As UK dialogue specialists Involve have found "…many civil servants find once they engage at a deeper level that the experience can be rewarding and even enjoyable. Examples of failure and discussions getting out of hand show what happens when government tries to be overly controlling…in short if you treat your participants like adults you'll get adult responses."

5 Reasons to Involve Citizens

1

Citizens have the expertise you need

A common concern is that tech and governance is far too complicated for ordinary people – and that it should be left to the experts and engagement should be reserved simply for education purposes. This misses the point. Citizens are involved for their knowledge, values and expertise as citizens. You don't need a PhD in Artificial Intelligence to be able to engage constructively about the issues arising from use of Facial Recognition in policing for example, or your views on pros and cons of personal data use in healthcare.

" **The fundamental view of citizens is of them being not very bright, not very willing, not very able, helpful or productive,"**

says Professor Beth Noveck, director of TheGovLab at New York University.[84] In her book Smart Citizens, Smarter State, she demonstrates that if you trust citizens to contribute their particular knowledge, perspective or expertise in a structured way, you will not only empower them to become more involved in their communities and with government but also gain a huge bank of expertise in the process.

The UK government's ScienceWise[85] programme has involved citizens in deliberations about the most complex tech – Synthetic Biology, Genomic Medicine, Stem Cells, Mitochondrial Donation, Drone use, Data Ethics, Geoengineering, Nanotechnology (including regulation issues such as the potential lifting of a moratorium on nanoparticles in the environment) and many more. The often surprising perspectives uncovered by such engagements have made substantial contributions to decision-making and informed the design and governance of these technologies.

2

Because more of us are better than some of us.

In his book Rebel Ideas, Matthew Syed's[86] extensive research makes a compelling case that 'more of us are better than some of us'. The inclusion of diverse perspectives, he shows time and again, result in better and wiser judgements. The process highlights gaps in understanding, challenges assumptions and biases, punctures information bubbles and reveals the limitations of echo chambers. Many well intentioned initiatives have failed because they were developed without involving the people they are for or about. Perhaps they weren't what people wanted, had missed critical issues, or were designed by experts whose theories and models didn't understand how people really behave.

What can sometimes happen in governance design is that the inclusion of 'diverse perspectives' amounts to getting a few academics in for a meeting or maybe a roundtable with some NGOs. These groups have important expertise to impart and should also be consulted and involved in governance design, but should not be conflated with the representative or comprehensive understanding citizens can provide.

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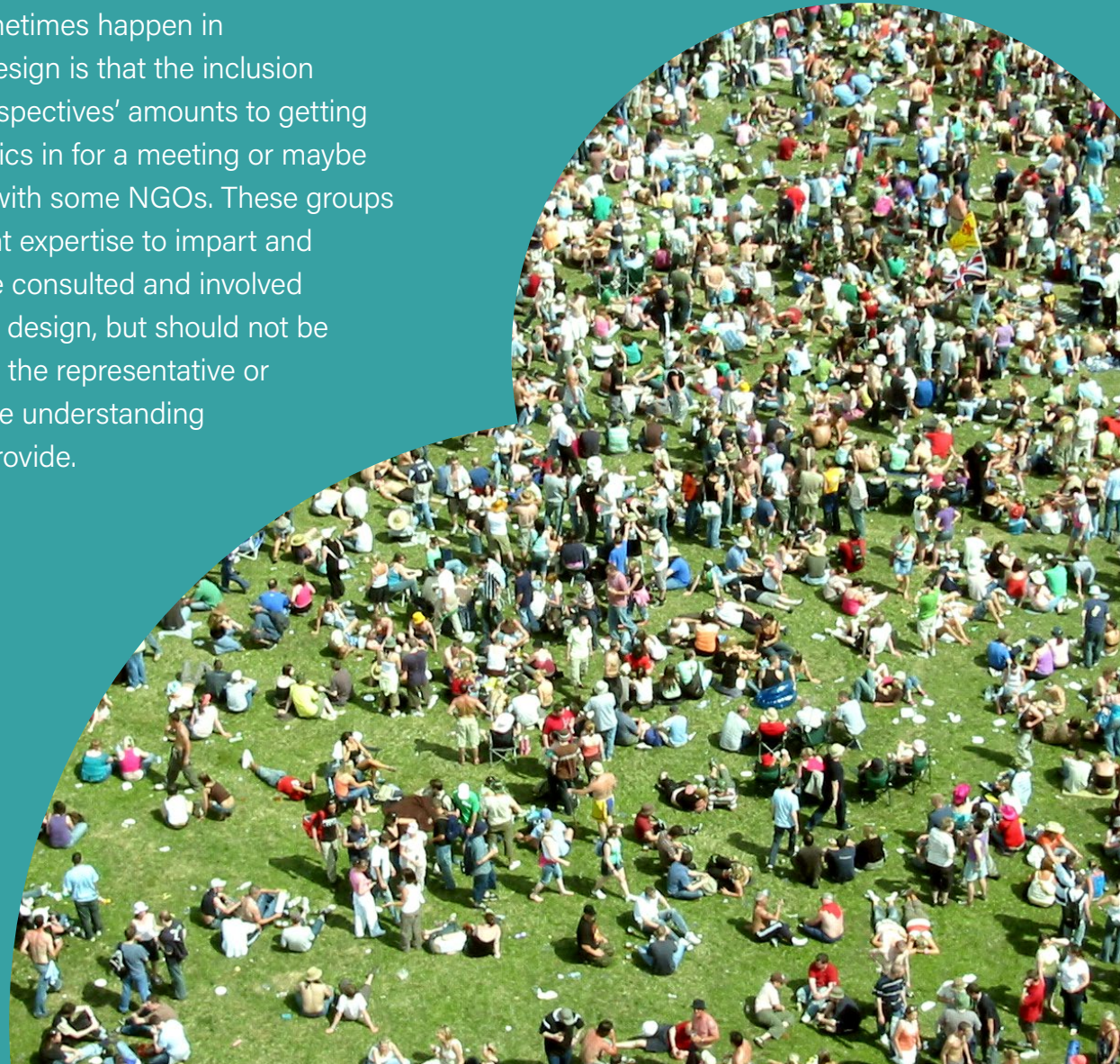
It can make decision-making about values and ethics better and with greater legitimacy

According to new research from the OECD,[87] citizen involvement works best when it is about "values-based decisions, those requiring trade-offs and areas demanding long term solutions beyond a single electoral cycle" – which are exactly the types of issues presented by emerging technologies.

New technologies are shaping our attitudes, our societies and even our brains. Their governance involves decisions on very complex values and ethical issues where there is no right answer. One of the greatest challenges regulators face is how to understand and navigate these issues within their frameworks.[88] Citizen involvement in these decisions is critical to getting to an approach which better services society, improves effectiveness and creates democratic legitimacy.

Spotlight on

ScienceWise dialogue on shaping regulation on Mitochondrial Replacement (3 parent babies):[89]

In 2012 a mixed-method dialogue commissioned by the Human Fertilisation and Embryology Authority (HFEA) sought to gain insight into public views on the ethical, social and regulatory considerations of Mitochondrial donation – a new technique which replaced unhealthy mitochondria cells in an egg or embryo with healthy cells from a donor parent to prevent hereditary mitochondrial diseases being passed from parents to their children. The dialogue findings directly informed HFEH advice to government which showed broad support for mitochondrial replacement being made available subject to strict safeguards and careful regulation. Most of the recommendations of the dialogue were implemented.

Involving citizens is fairer and better than the current way

Republican Senator Jim Gregory of Pennsylvania shows how the governance developed with and by citizens can be fairer and better than existing arrangements. Here it is used to strengthen democracy and help eliminate an important aspect of corruption of the electoral system which is so damaging to trust:

Gerrymandering'[90] in US (the corruption of the system for setting voting boundaries to ensure each district has an equal share of voters) has become a minefield of political manipulation in recent years. Big data and mapping techniques now make it even easier for politicians to anticipate how people will

vote and so seek to tweak the boundaries to their advantage with diverse negative impacts. The 2019 report from Centre for American Progress[91] shows that using new technologies resulted in "unfairly drawn congressional districts which shifted, on average, a whopping 59 seats in the U.S. House of Representatives during the 2012, 2014, and 2016 elections. That means that every other November, 59 politicians that would not have been elected based on statewide voter support for their party won anyway because the lines were drawn in their favor – often by their allies in the Republican or Democratic Party".[92]

To help rectify that this problem, an Independent Congressional Redistricting Commission composed of non-elected officials and local citizens is being trialled. 'Creating districts that are drawn by the public, without being tainted by the powers of incumbency and party registration, will ensure competitive elections' and one may expect help just a little to restore trust in the democratic process.[93]

Because if you don't they will make you

Citizens dissatisfied with the status quo are increasingly demanding a say in policy and governance. Many grassroots movements, from Taiwan's Sunflower Movement to France's Gilet Jeune, demand a greater say in how political power is exercised.[94] The Covid 19 pandemic has provided real insights into the importance of treating citizens with respect and the downsides of not doing so[95,96] and the power of an approach which involves and takes seriously citizens' concerns. Out of such crises often emerge some of the most innovative forms of 'participatory democracy', generated not by governments but by citizens themselves – later to be adopted by governments. A compelling example of this, where citizens shape the outcomes of even the most complex regulatory decisions, comes from Taiwan:

Spotlight on
vTaiwan – citizens shaping tech governance

The finance ministry of Taiwan had been wrangling with manufacturers and social groups for 4 years to create the new rules to legalise online sales of alcohol.[97] They were getting nowhere trying to navigate the concerns of manufactures and e-commerce providers with concerns of social groups about the effects of greater access to alcohol, particularly for children.

With no end in sight, they decide to put this question to a new combined process of offline deliberation and online discussion through a platform[98] called vTaiwan. This was an idea born in response to the Sunflower Student Movement[99] designed to facilitate an 'open consultation process for the entire society to engage in rational discussion on national issues'.

Within weeks they had formulated a set of recommendations and in under two months the government had incorporated the suggestions into a draft bill that it sent to parliament.
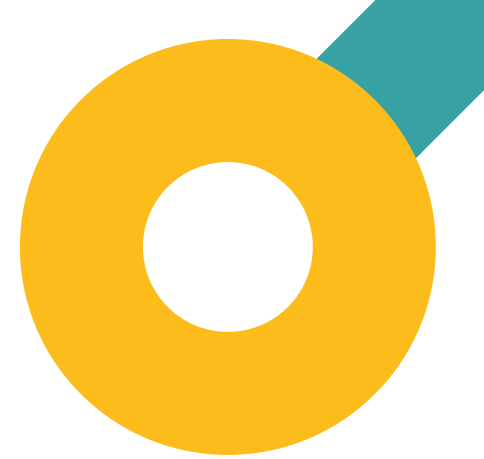
The genius design element is that both online and offline parts of the programme have been designed specifically to develop areas of agreement, to build collaboration and not foster conflict and polarisation preventing the loudest voices or vested interests owning the debate and creating deadlock (the main reason collaborative governance fails at the moment).

Founder Audrey Tang observes "People spend far more time discovering their commonalities than going down a rabbit hole on a particular issue." The platform highlights the many issues of unity rather than the few that create division and conflict.

Over half of the 23 million citizens of Taiwan have contributed to the successful design of laws in over 18 areas, including the regulation of Uber, Self-Driving vehicles, Revenge Porn and FinTech Regulation with notable consensus and acceptance across society for the laws designed through this process.

This approach of trusting citizens to engage in complex decision making has also been pivotal to Taiwan's successful Covid-19 Containment strategy.[100,101] The designer of both strategies Digital Minister Audrey Tang says that it is neither a cultural phenomenon, nor a tech solution which is behind their success. The key is to trust citizens and prove you are worthy of their trust. Radical transparency and a commitment to trustworthiness is the focus, with respect and empowerment of citizens at the heart of the approach.

"

If the government trusts civil society then the citizens will eventually trust back, but the government has to make the first moves". [102,103]

Using blunt metrics can embed bias

A Brookings Institute report on AI and public opinion in the US shows that "the public does not agree on the proper regulation of AI applications. Indeed, population-level support of an AI application may belie opposition by some subpopulations". As an illustration, 56% of American adults trust law enforcement using facial recognition technology, according to a survey by the Pew Research Center. Support is lower among those aged 18 to 29, Black Americans, and those who identify as Democrats or lean Democrat.

While useful for identifying starting points, these blunt metrics cannot be used to shape governance without further context. Metrics which are focused on broad 'market research style' approaches are limited. Much greater

nuance into why, the nature of concerns and considerations, and how problems may be resolved in the public interest is required to inform trustworthy governance.

They may also embed damaging bias. Younger people or people of color, for example, may be more likely to be stopped by police and their reality of greater discrimination may bring awareness of the shortcomings of facial recognition, which older white populations could be totally unaware of. Using blunt metrics gives a distorted picture of the reality behind the opinions represented and can embed other biases against marginalized or hard to reach groups. They may, as here, be under-weighting groups who would be

disproportionately affected by a technology because their views are compared to wider populations and general statistics used to gauge public trust or concern. The public interest is not served by these type of metrics for governance design and they should be treated with extreme caution.

Recap: Critical factors for trustworthy citizen involvement

1 A trustworthy process is one where citizen views really count towards a decision. Its purpose is clear and those commissioning the process are open about how it will contribute to the decision. In the OECD Deliberative Wave case studies, 36% had all recommendations implemented and 76% of public authorities implemented over half the recommendations.

2 The process is open about exactly how views have contributed. In the OECD Deliberative Wave Case studies, 66% of the public authorities discussed the final recommendations with participants, 24% followed up directly to let them know their response to the recommendations and 42% communication through government media and social media channels.

3 Open and honest explanations are given where different priorities meant that the decisions taken didn't conform to recommendations incorporate views or address concerns.

4 The process is respectful & fair: it gives adequate time for reflection; it is inclusive, including hard to reach groups and all of those affected by the decision; materials are created in plain language, it is rigorous about exploring many diverse perspectives (not just 'balance' – a polarised view of extremes) and its design and methodology is appropriate for the purpose. A referendum, for example, offers only a binary choice – in or out of the EU, in the case of the UK's Brexit referendum, where a more deliberative approach may have more effectively captured the nuances of the debate and allowed for a more effective response. It was effectively used in Ireland in concert with more deliberative approaches where a citizen's assembly and communication and engagement processes lead up to a referendum on the change to Ireland's Abortion laws.

5 If it's a tick box – don't do it. Citizens have better things to do (as do regulators) than waste their precious time on a pointless public engagement exercise, where their views are not taken seriously and where the rationale is mainly about ticking a box on the 'good governance checklist'. Find ways of involving citizens when their views matter.

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