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Switzerland has a long tradition of citizen involvement in the legislative process, through both institutions of direct democracy and the referendum forum, a public consultation system - a Swiss specialty. Context and culture are important. If you're willing to bring new technologies into the legislative process, you need to understand what role they can play when you're trying to have an open government strategy that involves citizens - individuals and companies. All this depends on the culture and the practices already existing within an agency or administration. You cannot open up government without having new technologies for all agency practices. These technologies, as well as the desire to involve citizens and individuals, must be integrated from the start in the legislative process itself, at all stages. You must be transparent; authorities must be proactive in providing information and access to the official documents. This is important in applying standards, norms and (even more importantly) services. Determining whether an agency is open or not entails, first, looking at its culture. If you want its services to be open, you must open the culture. If you use new technologies, they must be integrated in *all* the agencies' activities. Files must be managed by technology, with laws available in digital format. In Switzerland, laws can be consulted in paper or digital form, in chronological order and in consolidated formats. Technologies must also be included in contacts with users; the practice must already exist. *Only if these technologies are already integrated can they be involved in the legislative process.* The new technologies are not in and of themselves levers; they are not sufficient to open up a government system that is hostile to the participative approach.

In Switzerland, the legislative process is extremely open, involving citizens before and after the laws - both primary and secondary legislation - are adopted. Public consultation has been around for about 100 years, and the procedures haven't changed since the 1970s. For the past 10 years it has been explicitly included in the Constitution, and so is now enshrined in law.

New laws, changes in law, international treaties that require parliamentary approval, and all other major projects (e.g. major infrastructure) must be the object of a public consultation before the government can submit them to Parliament. They are accompanied by an explanatory approach and a questionnaire emphasising specific aspects on which the government wants responses. There is also a simplified consultation procedure, which applies to secondary legislation - simplified in that the body initiating the consultation is not the government but a ministry.

The process lasts three months, which is fairly long but called for. The consultation procedure concerns cantons as well as local municipal authorities. It concerns political parties, social partners, trade unions and employer organisations, and NGOs that may be stakeholders in a specific project. Any person or organisation can express an opinion, including those not invited to do so. Very often, the points of view expressed by individuals are not insignificant when you pull together results. Opinions expressed are evaluated by the government, which then drafts a report before deciding on the action to take. Opinions and the report are all made public and are accessible, so citizens can see the extent to which the government has taken account of the voice of the public.

As of 2005, new technologies began to play a role, initially minor, in the public consultation process. Projects are now published on government websites; similarly, opinions expressed and the government report are available online. Those consulted receive a letter indicating the address at which they can download the file, and the public is informed by the official bulletin. Opinions can also be sent to the government in electronic format.

The main change after introducing electronic technologies some five years ago is that we've shifted to a new platform, and electronic supports have partially replaced paper. Interactivity per se hasn't improved. Civil society can have easier access to the information now online on a somewhat selective basis, but this hasn't increased the number of opinions submitted. It hasn't reduced the red tape, simplified the procedure or reduced spending significantly - so the outcome is fairly limited.

That said, the public consultation process - regardless of the medium - is a key stage in the Swiss legislative process. The government collects additional factual information that it needs to make enlightened legislative decisions, and those decisions are more legitimate: because it takes in relevant opinions, the government doesn't make decisions on its own. It can determine when legislative measures are practical and feasible, whether projects are acceptable or not, and so consultation makes it easier to implement legislation.

There is also an awareness-raising role - those who will be subjected to future norms are informed ahead of time and can modify their behaviour accordingly - sort of an early warning system. This is particularly helpful in context of referendums.

Four final comments on the use of new technologies in the legislative process:

1. The impact of new technologies on the consultative process is not very significant to date, but in other stages and other aspects of the legislative process, upstream and down, the situation is very different: for example, in political campaigns concerning referendums, or collecting signatures for initiatives to revise the Constitution.
2. The use of new technologies in legislative procedures facilitating participation is not particularly risky. Still, we must be more cautious regarding votes, elections and referendums. Electronic voting has been introduced on a trial basis, with limited scope of action.
3. New technologies have been criticised for making political activity seem more trivial (such was the case with voting by correspondence), and for debasing voting in general. I don't share this criticism, which mostly reflects the problem of accepting changes in government practice and accepting new technologies.
4. There *is* a risk, however, that their use will encourage the idea of "instant democracy", which is incompatible with the role that government should play as a stabiliser in our society.