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WRITING A NEW CONSTITUTION FOR GENEVA: AN ANALYSIS OF PARTICIPATION MECHANISMS

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In February 2008 the people of Geneva voted in favour of a new Constitution to replace the current one, written in 1847 and considered by many to be out of line with today's society. In the first part of this paper we set the context of our study and we define a framework to analyse participation and eParticipation in terms of institutional, mediated and informal political communication mechanisms. In the second part we apply it to the campaign for the election of a Constituent Assembly and we provide the preliminary results of this survey. The last part describes how we will use this framework to investigate these mechanisms during the process of writing a new Constitution. Geneva was a pioneer in terms of eVoting and we want to find out if this will be the case again in the domain of eParticipation, with what could potentially become the first Wiki-Constitution ever. However our first findings indicate that ICTs are rather an extension of current participation mechanisms and that they do not radically change or renew them.

Keywords: participation, constitution, eDemocracy, framework, case study

1. Introduction

In this first section we describe the context in which this study takes place, i.e. the election of a Constituent Assembly to write a new Constitution for the Canton of Geneva. We furthermore explain the general political participation mechanisms in Switzerland and in Geneva.

1.1 Geneva's Constitution

Geneva is a republic since 1535 when the city became the capital of the Protestant Reformation. The first Constitution adopted in 1543 was largely based on the "Edits Civils" written by John Calvin. Although Geneva was a French department between 1798 (when it was invaded by Napoleon's army) and 1813, it was mostly independent until joining the Swiss Confederation in 1815.

In 1846 James Fazy led a revolution that overthrew the conservative government and subsequently wrote the 1847's Constitution that is still ruling the Canton, although it has been modified many times over that period. This text is now the oldest of the 26 Cantonal Constitutions in Switzerland and many believed that its language, structure and content are not adequate anymore [9].

In 1999 the parliamentary group of the "Parti Radical" proposed a bill in order to completely revise Geneva's Constitution, but without success. In 2005 an association called "Une nouvelle Constitution pour Genève" (a New Constitution for Geneva) was set up. Its front man was a famous law professor, Andreas Auer, and its members came from all political parties and from the civil society. They were ready to launch a popular initiative requiring a new Constitution as the government was reluctant to do so, but after long negotiations a vote was organised. In February 2008 the people of Geneva accepted a constitutional law allowing for a new Constitution in the Canton.

1.2 Election of the Constituent Assembly

In October 2008 the people of Geneva elected 80 members of the new Constituent Assembly. This was no easy task for citizens as there were 530 candidates and 18 lists to choose from. Half of these lists were presented by traditional political parties and the other nine lists represented heterogeneous interest groups (business associations, home-owners, women, retired people, and so on). Funding for the campaign was also very heterogeneous: from 5'000 Swiss Francs (about 3'300 Euros) for the women's list [14] to 200'000 (130'000 Euros) for the business associations' list [15].

The quorum for a list to be elected was initially 7%, but the Parliament lowered it to 3% in order to have a wider participation. However one cannot say that the members of this Assembly are really representative of Geneva's people: only 14 women were elected (although there will be 16 women in the Assembly because two elected men resigned in order to leave their position to women from the same left-wing party [12]) and the average age of members is 56. Furthermore only three lists outside traditional parties made the quorum:

- The lobby of pensioned people (Avivo) got 9 seats; it must be said that Christian Grobet, the leader of this list, was a member of various legislative and executive authorities in Geneva from 1967 until 2005, thus this list is not completely "outside" political parties.

- The g[e]'avance list represented business and employers' lobbies and it was attributed 6 seats.

- The FAGE (Federation of Geneva's Associations) is the umbrella organization of 480 associations of all types (parents, culture, human rights, ecology, Attac, pacifism, consumers, social integration, gays, development, etc.); the associations' list obtained almost 4% of the votes (with a quorum at 3%) and thus obtained 3 seats.

The participation rate being of 33 % [11] (about 10% less than the average participation, see below), one can conclude that giving Geneva a new Constitution was not a popular issue and that only "traditional" or "politicized" voters accomplished their electoral duties. The political balance of the Constituent assembly is also similar to what can be seen at the Parliament of Geneva [13]: in the Parliament 57% of the seats are attributed to right wing parties, 33 to left wing parties and 10 are considered as independent, whereas 43 seats of the Constituent Assembly account for right wing parties (53%).

1.3 e-Voting in Geneva

Although electronic voting was not used for the Constituent Assembly, we believe it is interesting to give some details on the Geneva e-Voting project in this introduction. Swiss citizens vote 4 to 6 times a year and in some cases the participation is as low as 30%. However it must be said that in Switzerland the participation rate is calculated on the basis of

all citizens over 18 and not on the basis of registered voters as this is the case in many countries. The average participation in the last 30 years is around 42%, with a record of 78% in 1992 when the citizens had to decide on whether Switzerland should join the European Economic Area. Postal vote was designed as a solution to increase these participations figures: citizens are sent the voting material at home and they have the possibility to send it back to their cantonal or communal authorities, instead of having to go to the polling station on designated week-ends. Although postal vote was already introduced in 1957 in the Canton of Vaud, voting material was sent on request only (for each vote). Most Cantons generalized this system for all citizens during the 80's and the 90's and it was first used in Geneva in 1995. Turnout increased by 20 percent and currently up to 95% of Geneva's voters use the postal vote.

In 2001, the Swiss federal government decided to test and evaluate e-voting systems. The Cantons of Geneva, Neuchâtel and Zurich were chosen to develop three separate internet voting solutions, so that they could be assessed and tailored in order to fit the 26 different legal and organizational contexts of each Swiss Cantons [1]. The first e-Voting test took place in January 2003 in one commune of Geneva. Currently the system is still not fully deployed: for the polls of November 30, 2008, only nine (out of 45) communes could use the system. However nine e-Voting sessions were organized to date and there are some interesting outcomes: between 22% and 25% of all voters used the e-Voting system, amongst them 19% are regular voters and 56% are usually abstainers [2].

2. Participation Mechanisms

This section provides definitions of participation, eParticipation and eDemocracy. We then build on them in order to define the analysis dimensions of our survey.

2.1 Participation and eParticipation

According to [8] eParticipation is an emerging research area which lacks a clear literature base or research approach. In their review of the field, they identified and analysed 99 articles that are considered to be highly relevant to eParticipation. [8] write in their introduction that governments seek to encourage participation in order to improve the efficiency, acceptance, and legitimacy of political processes. They identify the main stakeholders of participation as citizens, non-governmental organizations, lobbyists and pressure groups, who want to influence the political system, as well as the opinion forming processes. Various information and communication technologies (ICTs) are available for eParticipation: discussion forums, electronic voting systems, group decision support systems, and web logging (blogs). However traditional methods for citizen participation (charettes, citizens' juries or panels, focus groups, consensus conferences, public hearings, deliberative polls, etc.) are still very widely used and must be taken into account when studying eParticipation.

[6] defines eDemocracy as the use of information and communication technologies to engage citizens, to support the democratic decision-making processes and to strengthen representative democracy. She furthermore writes that the democratic decision making processes can be divided into two main categories: one addressing the electoral process, including e-voting, and the other addressing citizen e-participation in democratic decision-making. [5] give a working definition of eParticipation as the use of ICTs to support information provision and "top-down" engagement, i.e. government-led initiatives, or "ground-up" efforts to empower citizens, civil society organisations and other democratically constituted groups to gain the support of their elected representatives.

There are many examples of surveys on eDemocracy, such as [4] who take the case of Switzerland where citizens are often called to the polls either to vote for parties and candidates or, even more often, to decide on direct-democratic votes at the three different political levels. In their paper on "smart-voting" they analyse what they call voting assistance applications, i.e. tools where citizens can compare their positions on various political issues to those of parties or candidates. They mention the Dutch "Stemwijzer" system, first introduced in 1998 and they provide in-depth information on the Swiss smartvote website.

Even if eParticipation is a relatively new research field, projects and tools are increasing thank to governmental support [10] and a number of research projects have been funded worldwide to pave the way, such as Demo-Net.org.

2.2 Analysis Framework

The goal of this study being to investigate communication and coordination mechanisms for participation and eParticipation, we therefore had to define an analysis framework. We adapted the approach used by [7] for its case study on participation and eParticipation in Germany, where he used the three arenas of political communications defined by [3]. Table 1 shows these three communications modes and the systems or actors involved in political communication, as well as the vectors used to carry this communication. We made a distinction between traditional participation vectors and ICT-enabled vectors (eParticipation).

Table 1: Communication Modes and Vectors for Participation

Communication / Coordination mode	System / Actors	Traditional Communication Vectors	ICT-enabled Communication Vectors
Institutional	Representative Democracy	Elections	eVoting
		Consultation: citizen forums, public hearings or any formal consultation procedure	eConsultation
	Direct Democracy	Voting, referendums, initiatives	eVoting
Mediated	Mass Media	Articles, opinions, interviews, editorials, readers letters, polls, phone calls, etc.	Websites, forums, wikis, emails, chats, ePolls, webcasts, social networks, mobile communications, Web 2.0, etc.
	Parties Interest groups Trade unions	Parliamentary groups Lobbies Strikes Meetings, campaigns, street or door-to-door communication, tracts, mailings, negotiation	
Informal	Citizens Associations Networks	Street or door-to-door communication, tracts, free radios, local TVs, cafés, clubs, etc.	

In our survey we decided not to analyse the institutional communication modes and to concentrate on the mediated and informal ones, as there is already a large amount of research

that has been done on eVoting and eConsultations. We indeed believed it would more relevant to survey the mediated and informal communication arenas during the process of writing a new Constitution for Geneva. When looking at Table 1 one can see that the traditional communication modes for mediated and informal communication are relatively well differentiated, but that we could not define which eParticipation tools are used by which actors. This is precisely what we want to study: how do parties or interest unions use websites or wikis to support their communication, how do citizens or associations make their voice heard through ICTs, are these tools complementary to existing participation mechanisms, do new political communication usages appear with ICTs, and so on.

2.3 Selection of stakeholders and Methodology

In order to study participation and eParticipation and to answer the various questions listed above, we selected a sample of actors in mediated and informal communication modes:

- The "Tribune de Genève" (TDG): we chose it because it is Geneva's main printed newspaper and it furthermore provides a blog platform to its readers; most candidates' blogs were hosted at the TDG.

- The "Parti Radical Genevois" (PRD) is a progressive right-wing party that has a long history in Geneva; it was born in 1841-42 during the first revolutionary movements in the Canton and it was led by James Fazy, the author of the 1847's Constitution that is still in effect today. We selected it because PRD is rather representative of traditional parties and political structures.

- "Les Verts" are Geneva's green party. It was founded in 1983 by various members of environmental and anti-nuclear associations. The Green party is now a well-established party with, amongst others, two elected members of the executive government in Geneva (which comprises seven ministers). We decided to survey them because they are a newer party, created by members of the civil society and based on a more associative operational mode.

- We already introduced the Federation of Geneva's Associations (FAGE) in section 1: it is the umbrella organization of 480 associations. We integrated them in our study because they are very typical of networked communication and participation.

- Last but not least, citizens of Geneva, for quite self-evident reasons when one is writing about bottom-up participation.

This survey is mostly qualitative and based on two investigation methods:

- Periodical review of all identified websites, blogs, forums, wikis, etc. related to the subject of the Constituent Assembly.

- Interviews with representatives of the stakeholders listed above, as well as with elected members of the Constituent Assembly.

2.4 Preliminary Results

This project comprises two distinct parts: we first studied participation and eParticipation during the campaign for the election of the Constituent Assembly (until October 2008) and we will then analyse these mechanisms during the process of writing the new Constitution.

We will not go into the specifics of the campaign here, but let us already mention that it was mostly traditional participation mechanisms and communication vectors that were used, such

as interview in the press, shows on local TV and radios, meetings, debates, tract distribution in the streets and on markets, etc. The only eParticipation elements came from personal (and disjoint) initiatives. We will list the most interesting of them here:

- The Tribune de Genève (TDG) followed the campaign and opened its daily editions to all candidate lists. One journalist, Jean-François Mabut, set up a blog called "Gazette de la Constituante" where he commented the campaign and pointed to interesting blog posts or websites. Moreover selected content from various political and citizens' blogs was printed in the newspaper. However this was a personal initiative from the journalist that was accepted by the direction of the newspaper but that did not get much support.

- 78 candidates had a blog on the TDG platform, but several of them had no or very limited contributions. 18 of them were elected, so if we make a quick (and not very significant) calculation, about 23% of bloggers got elected (18 of 78) against 13% of non bloggers (62 elected of 452 candidates). Beyond these figures, it is very interesting to note that this blog platform was the only way for some small lists to voice their opinion and to be visible. As written in one of the comments on the Gazette de la Constituante, *blogging was the only way of expression that the women's' list had, regarding our limited financial means. (…) We published articles, photos, letters and wishes from all our candidates and we were able to speak in one voice by putting our differences aside and finding consensus*.

- Some citizens also used blogging and electronic newsletters to comment on the campaign. A good example is Pascal Holenweg that set up a blog (carmagnole.blogspot.com) and a daily newsletter where he made irreverent but relevant comments on the campaign. However it must be said that Mr Holenweg is a former member of the legislative assembly of the City of Geneva and a well-known figure of local activism.

- Some younger candidates used Facebook for their campaign. Murat Alder is one of them and he was elected on the list of the Parti Radical (PRD).

- The PRD and the FAGE set up wikis in order to gather inputs from the citizens on the new Constitution. However neither of them listed any modification after the initial online publishing, so the "wiki-participation" amounted to nil. FAGE also provided an online form to make propositions: they received exactly 16 of them, ranging from supporting sustainable development, providing education to illegal migrants, prohibiting cars, legalizing cannabis or opening more public nudist spaces.

- Many candidates and associations also used mail, postcards and email campaigning in order to make their ideas known and as an incentive for people to go and vote. Although the author received several of them, it is impossible to have an exhaustive view on that, as it was not out in the public domain.

- Although this last element is not supported by ICTs, we mention it anyway because the concept is interesting: the FAGE organised several "Caf'Idées" (idea cafés), a mix of brainstorming sessions, musical chairs and speed-dating. Four to five debaters would indeed be seated at a same table in a café and discuss a given topic for a limited amount of time, before making a synthesis and switching tables and partners.

The first part of this survey showed that there was no real eParticipation during the campaign, apart than using the Web, blogs or social networks to provide more visibility to candidates and, to a lesser extent, to sustain opinion forming.

2.5 Next Steps

On Thursday November 20th, 2008 the Constituent Assembly held its first session and its work will be spread over four years. The second part of our project has just started as we write these lines and it is planned that it will last during the first year of sessions. Our aim is to analyse how elected Constituents will relay the ideas of their parties or of their associations' members, and to see how citizens will be involved in the process (if at all). We will use our analysis framework to study coordination and communication mechanisms, especially in terms of co-writing or co-creating the new Constitution. Indeed we believe that, although there was not much "e" in the election process, it will surely be more developed during the redaction phase. As Yves Lador, elected member of the FAGE puts it in his own word: *"I never believed that a wiki would involve the general public in participating in the Constitution's elaboration; however I think it will be a great tool for internal use and collaboration (…)"*

3. Conclusions

On the international level it is not very often that countries completely rewrite their Constitution. Switzerland and its 26 sovereign Cantons constitute a very interesting laboratory, as 21 of them did so since 1965. Eight Cantons revised their Constitutions through a Constituent Assembly, and the other fourteen relied on dedicated commissions assigned by either the legislative or the executive authority [9]. However the last Constitution designed by a Constituent Assembly was that of the Canton of Basel and the process lasted from 1999 until 2005, meaning that at the time tools such as blogs or wikis were not yet as well-known by the general public as now. We therefore believe that this experience in Geneva might be a first in terms of eParticipation and we are really eager to see if ICTs only provide an extension of traditional participation mechanisms (e.g. offering more visibility during a campaign for elections) or if they have the ability to modify participation and to lead to the creation of what could be the first "Wiki-Constitution" in the world.

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