



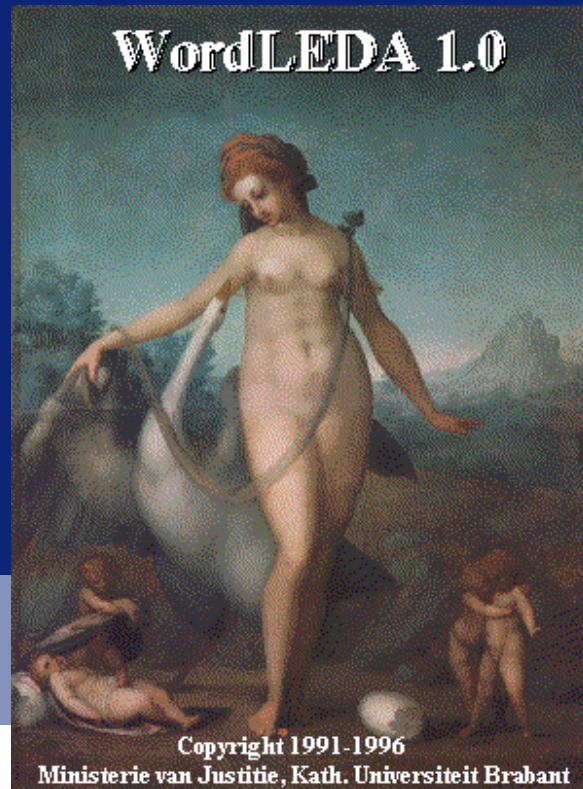
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The Netherlands

Improving Legislative Drafting by Using Informatics?



Some Experiences with the LEDA Project in the Netherlands
Universiteit Leiden
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Topics

- **How can legislative drafting benefit from IT: legimatics**
- **Building legimatic systems:**
 - legimatic approaches
 - characteristics of the legislative drafting process
- **The Leda project**
- **The Leda system**
- **Consequences and prospects**

Legimatics

- How can legislative drafting benefit from IT?
- Modest tradition since 1990
- Due to complexity of legislative drafting only a few systems world wide (Italy, Australia, the Netherlands, Belgium)

Approaches in Legimatics

- 1. Information oriented approach
- 2. AI oriented approach

Approaches in Legimatics I

Information oriented approach

- Legislative drafting = an *information* process
- IT-assistance by providing relevant information
- Accurate insight in legislative information flows needed
- Systems LEDA, Solon, Lexedit, Enact

Approaches in Legimatics II

Artificial Intelligence approach

- legislative drafting = a *reasoning* process in which problems are solved using drafting knowledge/knowledge from drafts
- IT-assistance by machine-processed legislative reasoning (from the draft)
 - Checking consistency, safeguarding deontological integrity (non-ambiguity, etc.), extrapolating consequences
- Accurate insight in legislative reasoning

Characteristics Legislative Drafting

- Legislative problemsolving is open ended involving different kinds of knowledge (**not only legal knowledge/not only in the draft**)
- Legislative solutions not *valid* or *invalid* but relatively *appropriate* or relatively *inappropriate*
- Alternative solutions are possible
- **Ergo**: information based approach is the only feasible approach

LEDA-project

- Commissioned by the Dutch Ministry of Justice in 1993
- In operation since 1996
- Embracing the information based approach
- Operating on the basis of *the Dutch Directives for Regulations*

Dutch Directives for Regulations

- Drafting directives (\pm 300 in Y2000)
- Result of Dutch legislative policies on improving the overall quality of legislation (1991)
- Issued by the Prime Minister
- Binding on all Dutch legislative drafters (except Parliament)

Directives for Regulations II

- Voluminous set of drafting rules derived from drafting experience & quality notions
- Directives concern:
 - a. Drafting Methods (the drafting steps, deregulation, delegation, enforcement, transition, etc.)
 - b. Drafting Techniques (legistique)
 - c. Procedures

Example Directive on method

Directive 7

Before deciding to introduce a regulation, the following steps shall be taken:

(...piece about clear objectives...)

- c. it shall be investigated whether the objectives selected can be achieved using the capacity for self-regulation in the sector or sectors concerned or whether government intervention is required;
- d. if government intervention is necessary, it shall be investigated whether the objectives in view could be achieved by amending or making better use of existing instruments, or, if this proves to be impossible, what other options are available

(...)

Example Directive on Legislative Technique

Directive 97

1. If this is important for the accessibility of regulation, this is systematically divided into sections numbered with Arabic numerals.
 2. With a division into one level, the sections "*part*" or "*paragraph*" are stated.
- (...)

Example Directive on procedure

Directive 256

In relevant cases - if necessary with the intervention of the Minister of Justice - draft regulations are also tested by:

- a. the Minister of Economic Affairs for the consequences for the business sector unless the branche of commerce involved specially falls under the responsibility of another minister

(...)

Legislative drafting steps in the Directives

- Problem definition
- Problem analysis
- Setting goals
- Generating alternative solutions
- Analysis of alternative solutions
- Implementation of a solution in a draft
(*editing, phrasing, etc.*)
- Evaluation

Goals of the LEDA-system

- Offer easy access to ± 300 Directives for regulations/facilitate the correct application
- Offer substantial drafting support (methodical support, drafting steps)
- Draft text control on conformity with Directives
- Administrative help (models letters, standard formats, model notes)
- Information support (external databases)

LEDA Functions

- Pre-structuring of the drafting process
(drafting steps)
- Information retrieval and support
- Legislative document drafting and assembly support
- Knowledge based text control for relevant Directives

Functional components of LEDA

- Preparatory Module (PM)
- Basis Design Screen (BDS)

Functional components of LEDA I

- Preparatory Module

- preliminary drafting steps (analysis, setting goals, generating alternatives etc.)
- checklist on steps + information from Directives
- drafting preparatory document (policy memoranda)
- Creating a *draft skeleton* to be used in the Basic Design Module

Functional components of LEDA II

- **Basic Design Screen**

- drafting legislative text on the basis of choices within PM-module (no choice of all information available **(editor)**)
- draft step-level information, including Directives, models and examples
- checking text on conformity with Directives

And now.....

a brief demonstration

Consequences & perspectives

- Acceleration of legislative drafting
- Improvement of legislative quality
- Emancipation of legislative expertise
- First step towards intelligent drafting-aids
- Legislative expertise platform
- New legislative processes?
- Internet-drafting?

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