

Citizens' initiative and referendum in Britain and Northern Ireland 2007: Prospects for reform

Michael James Macpherson

England has been called the “mother of parliaments” (Bright) but progress in democracy since the nineteenth century has been slow. The late 19th century's wave of reform which brought new elements of direct democracy (DD) to many states of the USA and strengthened DD in Switzerland did not reach British shores. So neither initiative and referendum, the foci of this article, nor recall of elected officials have been available to Her Majesty's subjects. With very minor exceptions, the citizens' initiative as law proposal, veto, recall or constitution amendment proposal does not exist. On serious matters of state such as constitutional affairs and international treaties, there is no obligatory referendum. Only one United Kingdom referendum and a handful in the countries and regions, all imposed by government, have been held (Electoral Commission list).

Background

Estrangement and “apathy”

For several decades observers have noted growing estrangement of the public from politicians, government and political parties. Turnout to vote in elections, whether local, national or european, has been falling. Among young people these trends have been stronger, clearer a worrying factor for those concerned with the future of our democracy. Some examples of studies which have confirmed these impressions are given in the Appendix, below.

Growing use of referendum as consultation by local government; petitions popular

These and other similar findings about youth and adult attitudes to politicians and politics have caused central government to commission further research and to introduce minor reforms such as the introduction of voting by post. Local and central government have increased their public consultation or at least pretend to consult the electorate on policy. A recent search of on-line newspapers suggests that local councils increasingly use the instrument of referendum on matters which they (the council) have selected. Among citizens, clearly not apathetic, we have observed an active, probably increasing use of petition to demand policy change such as public planning and construction, or to save public services from financial cuts. Needless to say, these petitions have no formal effect. The local council is neither obliged to respond nor to hold a referendum.

One example of petitioning deserves to be mentioned if only because it is so curious. Several months ago the British government set up a “Petition the Prime Minister” web site. Many people, often representing an organised campaign, put their proposals on-line. Internet users were invited to “sign” the petitions. The government did not promise to comply with the petitioners' requests but did promise to send a reply to those who sign, after a certain minimum number (several hundreds) had signed a particular proposal. The government appeared to have prepared an easy wicket for itself but one petition caught it off balance. This was about a government proposal to extend the application of road use charges and to introduce electronic monitoring of motor vehicle movements. Car drivers, a powerful lobby in Britain as in Switzerland, were outraged. A petition to veto the new road laws collected

hundred of thousands of signatures within a few weeks. In early 2007 the count was well over a million and still rising. Ministers responsible for this draft law became nervous and one publicly denounced his colleague who had invented the WWW petition as an idiot. But no real harm was done because the Prime Minister came to the rescue. He replied as promised by e-mail to all the million-plus motorists and others, explaining just why his policy was correct. End of the affair? A positive benefit was all the publicity which the idea of “citizens’ initiative” gained. It was noted by many people that we do not have the right to demand a referendum. Even the Times newspaper published a leading article which presented the introduction of Swiss style direct democracy as an option to debate.

The deficit of British direct democracy

There are only two legally regulated procedures of citizen-initiated referendum. They have played a very minor role in politics to date. One presents an example of badly conceived and thus poorly functioning direct democracy – the Parish Referendum. The other, described first, presents an example of “initiative and referendum” reasonably conceived in method but drastically limited in scope by restriction of the people’s choice of issues to only one.

In the Local Government Act 2000 the Labour Party government “allows” voters to decide if they wish to directly elect a mayor and to choose one of several specified executive structures for the Local Council. If the local council itself decides to propose such a change of executive structure then the proposal must be put to the electorate in a referendum. Further, if 5% or more of the council's electorate petition for change in the structure of their local council then a referendum must be held.

Regarding direct democracy there is an important – although mainly symbolic – innovation here. For the first time in British legal history (disregarding the poor quality Parish referendum) acts of governance may be initiated and carried through by citizens, that is, if the five percent hurdle can be jumped and the local electorate so brings about a referendum, then the people will have made a decision, about a public matter, which is direct and not mediated by political representatives.

Perhaps because people object to the thematic limits set by government, or because the issue of local council structure is not seen as very important, the citizens’ initiative for “elected mayor” etc. has not been used much. (Stationery Office). Only 32 of 410 local councils have had a referendum, 12 of these were proposed by citizens. (Elected mayor)

Law which explicitly permits elements of local direct democracy, passed by the British parliament in 1972, was “re-discovered” in the late 1990s. It applies in small communities of England (parishes) and Wales but apparently does not apply in cities, nor in Scotland and Northern Ireland. Just a small number of citizens of a parish have the right to demand that the district council should finance and organise a referendum in the parish or community. Not the parish itself but the next layer of government, the district council, is supposed to organise the referendum. The result is not legally binding, only advisory. The latter deficiency has caused people to avoid the parish referendum. After much campaigning and hard work by citizens, the local politicians may simply ignore the result. Also the often uncooperative response of District Councils has caused the Parish Referendum to remain unpopular and little used. (Note: The term parish covers a wide range of communities, from a hamlet of a hundred people to small and medium-sized towns). (See link below for detail about Parish Referendum).

Reformers and campaigners

Several groups and a few individuals advocate the introduction of direct democratic procedures. As I will describe below, an increase of campaigning activity occurred in 2006.

The Referenda Society "was founded in 1992, with the sole object of moving the United Kingdom, in logical progression, from the increasingly outmoded representative democracy to direct democracy, (...) At the time, it was felt that the tide was turning in favour of greater public intervention in the nation's affairs, and this was supported by a Mori poll of 1991 showing 77 per cent favoured referenda on a particular issue when raised by petition." This group is small, offers to give talks in schools and to professional associations. (Referenda Society)

I&R – GB. Known as Citizens' Initiative and Referendum: Campaign for direct democracy in Britain <http://www.iniref.org/> A citizens' project founded in the late 1990s. Its aims are to educate about how direct democracy works in practice in other countries and to provides arguments for reform. Speakers will be provided on request. A programme of workshops to provide basic knowledge and build campaigning skills is planned.

A "Campaign for Direct Democracy" exists as a WWW presentation authored by John Harvey. He argues the case for more direct democracy in Britain, referring to the practice in Switzerland and the USA and provides a list of frequently asked questions, an FAQ. <http://www.homeusers.prestel.co.uk/rodmell/>

The Power Inquiry was a prestigious project funded by "civil society" foundations with around 800,000 BPS over two years from 2004 – 2006. The aim was to investigate the reasons for low public interest and participation in politics and to suggest remedies. The Power Inquiry's report Power to the People (reference below – Power Inquiry) contains over thirty recommendations for reform of democracy, government, parliament, mass media and political parties. "Recommendation 24" is to debate the introduction of citizens' initiative and referendum at all levels of governance. The report attracted a great deal of media attention. At least one new campaign for DD was launched in response to the Power Inquiry, Our-Say <http://www.our-say.org/>

Further, the reform group Charter88, which has lobbied for constitution in Britain since 1988, announced the intention to campaign for direct democracy. (Also to promote a convention for a british constitution, or at least for a bill of rights.) At a London meeting of active and new supporters of DD in early December 2006, convened by the Lib-Dem Euro-MP Diana Wallace, the speaker of Charter88 Ron Bailey announced that his group plans to draft a "private member's bill" which would enable the procedures of citizens' initiative and referendum and recall of elected politicians (Unlock Democracy).

Political parties and citizens' direct democracy

In recent years the Green Party carried a manifesto at its internet website which contained a clear commitment to introduce elements of direct democracy. These included citizens' initiative and referendum (I and R) at all levels of government and the right of electors to dismiss their representatives. However, showing over-caution similar to that of other political parties, the Greens added a pre-condition, that only after we have obtained a written constitution will "we the people" be "allowed" to have these elements of direct democracy!

The Liberal Democrats probably for the first time included a commitment to direct democracy in their 2001 manifesto. From Chapter 8 Freedom, Justice, Honesty: Reforming Politics and the Constitution. "Voting: Introduce new methods of voting. We will extend the right to vote by post and investigate internet voting, while ensuring that votes remain secure. We will also promote public involvement in decision-making, through Citizens' Juries, Citizens' Initiative Referenda and electronic consultation." However, this promise did not appear in the LibDem's 2005 manifesto, perhaps because they imagined a real chance to win political power (and so to be held to their promise).

The Conservative Party (2001) surprised observers by including a promise to introduce obligatory referendum on tax increases proposed by local governments. They stated, "we will look at ways in which local councils proposing increases in their budgets significantly above the rate of inflation can be obliged to hold a local referendum on the increase in the Council Tax which this would entail." More recently a Conservative Party "think-tank" has been set up calling itself "Direct Democracy". This is deceptive because their stated aims include no citizens' democracy whatever. They appear to lobby for some decentralisation of power to local councils, where they have a strong power-base, calling for more "Localism".

The Labour Party during their recent period in power allowed some very cautious progress of direct democracy. Local governments were encouraged to consult their constituents more and perhaps as a result of this some referendums were held. Labour changed the Local Government Act to allow citizen initiative and referendum but with extreme limitation. The questions which may be put involve decisions only about type of local government and whether or not to directly elect a mayor. Even the referendum questions are pre-set by central government. A council may hold such a referendum only once every five years. A body of law has been passed to control the conduct of referendums (See: Statutory Instrument 2001 No. 1298. The Local Authorities (Conduct of Referendums) (England) Regulations 2001). Several Labour MPs are said to support the introduction of citizens' initiative and referendum, including the former Minister for environment Michael Meacher.

In their current election campaign (Scottish parliament) which includes a promise to hold a referendum on independence for Scotland, the Scottish Nationalist Party has produced what may be a "joker card". Alex Orr, a candidate for Lothian proposed an investigation into the feasibility of introducing citizens' initiatives. "This would include the triggering of referendums on any national or local issue once a requisite percentage of the electorate had signed a petition on the matter, as undertaken in countries such as Switzerland, the US and New Zealand." (The Herald, Glasgow). An unconfirmed report states that the motion was adopted by Party conference delegates and became part of their election programme.

Further proposals to introduce elements of direct democracy

Several of the campaigning groups mentioned above have put forward proposals for initiative and referendum which are fundamentally similar. I&R ~ GB favours a three-step model with "indirect" initiative, so that the local council or parliament is obliged to debate successful citizens' proposals. The Power Inquiry puts forward a proposal "for debate", also with indirect initiative. Their proposal perhaps shows inexperience in that it suggests a very high quorum below which a referendum would be invalid. (What's in it for direct democrats? Our reply to the Power Inquiry). Unlock Democracy, a partnership of Charter88 and New Politics Network, presented a brief description of their plan to draft and put forward a Private

Member's Bill to the British parliament. This would include initiative, referendum and recall. Which levels of government are to be addressed was not revealed.

A collation of recent proposals to introduce elements of direct democracy has been prepared by I&R ~ GB (see Preliminary Proposals, below) and several expert commentaries on this have been received.

Concluding assessment

Although opinion surveys have shown that a large majority of citizens agree with the idea of citizen-triggered referendum the movement to introduce it is too small. Increasing estrangement of public from politicians has led to half-hearted efforts by government to involve citizens more in their policy making mainly through weak measures such as consultation (e.g. a recent central government consultation on nuclear energy was publicly revealed to have been sham). Research shows that young and older citizens are concerned about social and political affairs but that they are disillusioned with the almost entirely indirect democracy. Increase in local campaigning on a range of issues, some informal citizen petitions and the popularity of national on-line petitioning show that many citizens and voters are keen to participate. The number of people aware of and calling for direct democracy, with "the initiative and referendum", appears to be growing. During 2006 some new proposals, including the intention to prepare a direct democracy bill for parliament, have emerged and are documented here. The political parties cannot be relied upon to introduce DD and so continued and increased education about DD plus campaigning and funding are needed.

References and notes

Bright, John. Member of Parliament. 1865, speech in Birmingham (unverified reference)

Elected mayor. http://en.wikipedia.org/wiki/Elected_Mayors_in_the_United_Kingdom

Electoral Commission reports: Since 1973, nine national, regional and/or UK-wide referendums have been held in the UK. North East (England) – 2004, Northern Ireland – 1998, London (England) – 1998, Wales – 1997, Scotland – 1997, Wales – 1979, Scotland – 1979, UK – 1975 The question asked in the 1975 UK referendum was:

'Do you think that the UK should stay in the European Community (Common Market)?'

The result of the referendum was: Yes: 67.2% No: 32.8% Turnout: 64.5%. Northern Ireland – 1973. Source: Electoral Commission web site

<http://www.electoralcommission.org.uk/referendums/UKreferendums.cfm>

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<http://www.iniref.org/dd4proposals.abr.doc>

Referenda Society. <http://home.snafu.de/mjm/refer3.html>

Stationery Office Limited, Explanatory Notes to the Local Government Act 2000, ISBN 010 562 000 9

Unlock Democracy, citizen special edition November 2006 <http://unlockdemocracy.org.uk/>

What's in it for direct democrats? Our reply to the Power Inquiry. Available from
<http://www.iniref.org/latest.html>

Appendix to the paper

Citizens' initiative and referendum in Britain and Northern Ireland 2007: Prospects for reform

Cited statements by

- A. The Electoral Commission (official appointed body which administers elections and, rarely, referenda)
- B. The Power Inquiry (An independent inquiry into political engagement, 2004 - 2006)

Statement A.

"Many surveys, including BSA (British Social Attitudes) surveys, have shown that people are 'less trustful nowadays of politics and the political system' and that politicians are among the least trusted professions. They have also found cynicism about politicians' motivations; .."

Source: Electoral Commission Research report March 2004 ISBN: 1-904363-38-5

- *Young people are some of the people least likely to turn out and vote. In 2001 MORI estimates that only 39% of 18 – 24 year olds voted, compared to 70% of those aged 65. (.....)*

- *Low turnout may be a reflection of a deepening crisis of democracy. Evidence suggests that young people in Britain have developed a more negative attitude to the process of elections and politics over the past decade or so. (...) Unless this generation of young people becomes more civic-minded as they age, the nature of British democracy is likely to become increasingly passive*

- *Young voters are particularly keen to note the sense of participation, of 'having a say'; the rest of the electorate at large is likely to cite a sense of civic duty or responsibility to vote.*

- *There is some evidence to suggest that the cynicism expressed by young people about politics is usually directed at established party politics rather than political issues.*

Source: The Electoral Commission 2002 Voter engagement and young people ISBN: 1-904363-03-2

Statement B.

Contrary to much of the public debate around political disengagement, the British public are not apathetic. There is now a great deal of research evidence to show that very large numbers

of citizens are engaged in community and charity work outside of politics. There is also clear evidence that involvement in pressure politics – such as signing petitions, supporting consumer boycotts, joining campaign groups – has been growing significantly for many years. In addition, research shows that interest in ‘political issues’ is high. (The Myth of Apathy, page 16)

We should be creating a culture of political engagement in which it becomes the norm for policy and decision-making to occur with direct input from citizens. This means reform which provides citizens with clear entitlements and procedures by which to exercise that input – from conception through to implementation of any policy or decision. (from the section “Downloading Power” in Executive Summary and Recommendations, page 24)

Source: Power to the People. Report of the Rowntree Trusts’ Power Commission 2006
ISBN 0 9550303 1 5

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Scientist and specialist medical practitioner, he co-founded (1980) the movement of health workers for social responsibility in Britain. He initiated and published multidisciplinary research into: Coping with nuclear threat and "Cold War", receiving the Research Prize of International Physicians for the Prevention of Nuclear War; Socio-political trauma, about eastern Europe and USSR; Citizen politics including the role of new electronic media. He founded (1990) the research programme Integral Studies and (1998) a campaign for direct democracy in Britain known as Citizens' Initiative and Referendum I&Rgb – URL <http://www.iniref.org/> Numerous publications in academic journals and professional media.

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