

Report 2006 of the Rowntree Trusts' Power Commission – What's in it for direct democrats? Preliminary response.

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INTRODUCTION

The answer to “What's in it for direct democrats?” is positive, with some critique plus the caveat that this is only “yet another” report, one which contains proposals “for discussion”. In order that recommendations and proposals may become reality a long creative discourse and struggle across the whole land – informing, educating and campaigning for reform – will be needed. Groups such as the I&R campaign for direct democracy in Britain indeed made a start some years ago, see www.iniref.org

Some introductory statements and concluding results of the Power Inquiry offer promise to those who, acting with fellow citizens, would like to be able effectively to influence their locality and world, here including political and public affairs.

For instance, in Helena Kennedy's forward:

“This is not a report simply about constitutional change. It is a report about giving people real influence over the bread and butter issues which affect their lives.”

“The disquiet is really about having no say. It is about feeling disconnected because voting once every four or five years does not feel like real engagement. Asking people set questions in focus groups or polling is a poor substitute for real democratic processes.”

The PoWEr Inquiry provided helpful insights into how people across the land judge the hitherto conduct of (their own) public affairs by “the powers that be”, into their attitudes to our system of governance and to politicians. Answers to specific questions about how people would like to participate in local and national public affairs if given the chance are especially illuminating and encouraging, confirming survey data which we have previously cited (Prospects for direct democracy in Great Britain <http://www.iniref.org/bookstall.html>)

EMPIRICA: CITIZEN STATEMENTS RE. DIRECT DEMOCRACY; SURVEY OF
NON-VOTERS

At least in the PoWEr report, “ordinary” people have their say. Here are some responses concerning the desirability of direct democracy and more citizens’ involvement in public affairs:

Having lived in Switzerland where the system is referendum-based and where an ordinary citizen can create an act of parliament I know that attraction of people comes from accountability and from knowing that one can actually make a difference. Why have referenda on things about which we all know very little. We want referenda on the things which we have shown we care about, and we want to be listened to. (Author’s comment: It is incomplete to say that the system in Switzerland is referendum-based. There is in fact a combination of direct with indirect, representative democracy. Citizens’ initiative and referendum may be used at all levels of government, but these have their parliaments, councils and elected politicians too.)

I would like to have the opportunity to vote on issues that I feel strongly about. ... why not let the people themselves vote on policies? Can we not be trusted? A party’s policies frequently seem to change during the course of a parliamentary term so why should I vote for a person belonging to a party and not be sure that he will not carry out his election pledges? What about all the issues that were not mentioned during the elections? How will I know at the time of voting that my representative will act in my best interests?

Yes, there should be more referenda. Of course the political apparatchiks will denigrate this as leading to populist policies, but in these days of good communications the whole raison d’etre of the MP as representative is undermined .

Yes. Events evolve and change by the week/day. Elections every x years assume a snapshot in time of public opinion, which may have been appropriate 100 years ago – not today.

We sent representatives to a London Parliament by horse and carriage and trusted them to act in our best interests. Nowadays with instantaneous communication why do we need to continue this archaic practice? Why can’t I vote for issues that I have views about? What political candidate or political party can I vote for with the certain knowledge that my own values, concerns, ideas will be represented? Political parties do not always deliver on their promises or election manifestos and anyway the differences between the main political parties seem to be in name only.

*If one argues that some issues may not attract sufficient numbers of them to vote then we need only to look at voting statistics in the Houses of Parliament. No parliamentarian is sufficiently interested or knowledgeable on every issue so rather than allowing them to be persuaded by their party whips on how to vote, why not allow the population to vote?
I do not trust politicians to vote for what they promise in their election manifesto. I also realise that no politician or political party shares all the same views as myself. I want to vote on issues that affect me and that I am interested in. I would prefer to vote for issues not for people or parties. I can represent myself and my family and my community. Why should I ask a stranger to do it for me?*

It would certainly help me to feel that my little vote is making a difference, as a general or council election can seem to encompass such huge issues that you feel you are a drop in the ocean. Also, I think less and less people have faith in just one party as they may agree with certain issues from one and others from another. It seems silly to me that all our democracy is voting in someone who then takes it from there and makes all the decisions.

It would be more democratic to have more referenda and opportunities to vote on issues and not just parties. I think people feel more strongly about specific issues rather than parties nowadays anyway.

Comment:

In our own report "Prospects for more democracy in Great Britain and Northern Ireland" we mention a Mori poll of 1991 which found that 77 per cent favoured referenda on a particular issue when raised by petition. In 1995 a similar result was obtained, with younger people showing even stronger support for this principle of direct democracy. (Next Step. 1998. Statement of The Referenda Society, 131 Lime Grove, Newark, Notts. NG24 4AG)

Survey of non-voters

PoWEr reports results of a "Non-voters" survey conducted in mid-May 2005 with 1,025 people who stated that they were on the electoral register but did not vote in the General Election on 5 May.

The survey presented several ways, beyond voting for politicians, to participate in politics and public affairs. Results are shown as percentage "likely and very likely" to take part

An issue is put to referendum if enough people demand it (1)

71 percent

The ability to force your MP to face an election if enough members of the public demanded it. (2)

63 percent

Meetings where members of the public agree how and where local money will be spent with local councillors. (3)

70 percent

A large group of members of the public explore a controversial issue over the space of a year and then have their recommendations put to a referendum (4)

62 percent

Comment:

Item 1 " An issue is put to referendum if enough people demand it" contains the essence of direct democracy. With the citizens' initiative, commonly a law proposal or veto of the government, a public matter is put forward for debate and deliberation. If a pre-agreed number of citizens approve, the proposal must be put to all members of the polity (city, country, village etc..) in a plebiscite (binding referendum).

Item 2 “The ability to force your MP to face an election if enough members of the public demanded it.” is another variety of citizens’ initiative, also known as “recall”. With this instrument an elected official such as member of parliament, lord mayor, local councillor or judge (if elected), may be dismissed, usually leading to a new election.

SOME OF POWER’S FINDINGS AND RECOMMENDATIONS with this author’s comments and remark.

The PoWEr authors stress the following finding *The one factor felt to cause disengagement that runs through all the strands of our investigation is the very widespread sense that citizens feel their views and interests are not taken sufficiently into account by the processes of decision-making* (Intro. to Ch3 The Reality, p73)

After considering a strengthened role of parliament in vetting international treaties and proposals from the European Union, PoWEr writes: “... *these changes alone will not be enough. A Parliament with real power to scrutinise and challenge the Executive, and a local government with real freedom to act on its local citizens’ wishes will still be a Parliament and local government dominated by parties that are widely disliked. They will also remain dominated by a culture which does not value serious engagement with citizens between elections.* (PoWEr’s emphasis, which we endorse).

Under Recommendation 23 **All public bodies should be required to meet a duty of public involvement in their decision and policy-making processes.**

.... even given the supposed endorsement an election provides for a party’s broad programme, there is still a great deal left unsaid in a manifesto which could be the subject of much greater public involvement. This could include the detail of how certain policies or aspirations are implemented, the development of future policies which have not yet found a place in a manifesto and government response to unforeseen developments and events. Greater public involvement in such areas would not necessarily undermine an elected authority’s manifesto commitments.

Comment: Here the PoWEr analysts have identified major defects in the indirect, “representative” system of running our public affairs. These defects are among the primary factors which moved us at I&R (www.iniref.org) to begin promoting the greater use in Britain of direct democratic instruments to complement representative rule and so improve governance.

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, p24)

Recommendation 24: Citizens should be given the right to initiate legislative processes, public inquiries and hearings into public bodies and their senior management.

The right of citizens to initiate referendums on legislation by collecting a pre-ordained number of signatures on a petition is widely used across the world, although it is most famously employed in a number of US states and in Switzerland.

The great benefit of such citizens' initiatives from the point of view of the Power Commission is its capacity to address the two key causes of disengagement relevant to this chapter. Firstly, it provides citizens with a very tangible power over the most crucial issues confronting a democracy. Most importantly, it allows those citizens to decide for themselves what those issues are, even if the Executive and legislature have ignored the issues. Secondly, it allows citizens to bring single issues into the formal democratic sphere in a far more precise way than voting or membership of a political party allows. It is this focus on specific policy areas which is increasingly popular with citizens, but operates largely outside of formal democracy, and which has contributed to the declining appeal of parties and elections. Citizens' initiatives have the potential to capture the political energy generated by single issues and make them a source of re-engagement with formal democratic processes.

We believe, however, that the power of citizens' initiative should be extended beyond legislative processes to include public inquiries and to include hearings into the performance of public bodies. It is felt that this is important because governments have proved them-selves unwilling on occasion to establish major inquiries or hearings on subjects which, at the very least, could be regarded as matters of major public concern.(....)

We also note that the power of initiative is not the fact that it is used regularly – it is not – but its very existence exerts pressure on governments and other authorities to take account of public feeling, and address popular concerns, for fear that if they do not a citizens' initiative is always a possibility. In this way it helps create the more open and responsive government which is so crucial to the resolution of disengagement.

In short, citizens' initiative would add to the overall perception and reality of direct citizen influence which would address this key cause of disengagement.

We recommend, therefore, that legislation is introduced to Parliament which would allow British citizens to initiate legislative processes on issues of their choosing, to initiate public inquiries on issues of their choosing, and to initiate hearings into the performance of public bodies and their senior management.

We are aware that serious concerns are raised about initiative procedures, particularly that they can be hijacked by professional lob-bying organisations and by sections of the media, and that they can lead to ill-informed, populist measures. To address these concerns, we recommend a process which allows time and freedom for the public and elected representatives to enter into a debate about whether an initiative proposal is appropriate and then whether it should be approved. (....)

For a national initiative the process would be as follows.

i. A legislative proposal receiving the support of 1 per cent of registered electors on a petition within the space of one year (approximately 400,000 signatures across the UK) must be formally debated and voted on by Parliament or the relevant devolved assembly. Negotiations between MPs and the principals leading the initiative can be part of this process. If Parliament rejects the proposal or amends it in a way that is unsatisfactory to the initiative's principals or other members of the public, the process moves to (ii).

ii. A proposal already debated by Parliament or devolved assembly which receives the support of a further 1 per cent of registered electors within the next six months is then presented as a referendum question to the people of Britain. (....)

Comment:

We welcome the above recommendation of the PoWEr Commission to introduce elements of direct democracy such as citizens' law proposal and citizen-triggered referendum. The fundamental content resembles closely those proposals which we have promoted for some years, presented at Citizens' Initiative and Referendum I&R <http://www.iniref.org>

While praising the content of their inquiry, which pays attention to the views of "ordinary" citizens included in a broader spectrum, and their introduction of reforming ideas (in fields such as such power relations between parliament and government, political party funding, the electoral system, local versus "centralised" governance) we have some dissent with the PoWEr report which we will mention here only in brief.

A. Proposals for DD not applied to reforms recommended

Although the Commission publishes several calls like the following

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and goes on indeed (Rec. 24, see above) to recommend that we should begin to use methods of democracy which would allow citizen law-making if need be over the heads of parliament and government plus veto of government bills, the authors do not show nor explicitly advocate that citizens' democracy may and should become an instrument for those very reforms which are listed and proposed in the report. In numerous countries quite similar to ours, the constitution spells out these democratic rights. So it cannot be that such powers and capabilities are unimaginable, nor is it likely that they have been overlooked by the researchers and Commissioners. Elsewhere we will argue that these rights are also, explicitly or effectively, already included in our British constitution.

We must admit that the people of Britain are quite unaccustomed to taking direct responsibility for public affairs and matters of constitution. So, for the time being, obligatory referendum for serious issues such as our system of governance (e.g. power balance between government and parliament), or the way political parties are financed, may not be practicable because of lacking public awareness. Some reform issues such as the electoral system (proportional representation etc. versus first-past-the-post) seem able to attract sufficient interest so could be safely put to the people in referendum, perhaps best timed with an election to guarantee reasonable turnout. For the remaining issues mentioned in this paragraph and others of similar weight, it would not be difficult to set up an optional (facultative) referendum, to be held only if large-scale public support for the idea can be shown in a "citizens' initiative" procedure.

To summarise, we would like PoWEr to develop a clearer and more explicit prospectus for a "culture of political involvement" and the application of citizens' democracy, such as initiative/proposal, deliberation and referendum, to a range of reform fields including those which PoWEr has in its report recommended for our attention.

Our remarks are correlated with a criticism of the PoWEr report by a founder of Charter88, Stuart Weir (at opendemocracy.org). He dislikes the method of achieving constitutional reform dubbed “concordat”, resulting from negotiation among the officials most directly concerned, and recommends that a written constitution should be created. While the concordat, which sounds rather like the cabalistic muddling through affairs of state to which we are accustomed, may pragmatically speaking be the most likely way to achieve modest success, we should strive to be more open, publicly deliberative and (direct-) democratic.

B. PoWEr has included direct democracy with other reforms in a “packet” and “cherry-picking” is discouraged.

PoWEr proposes three “fundamental shifts in the way politics is conducted in Britain”

- *A re-balancing of power between the constituent elements of the political system: a shift of power away from the Executive to Parliament and from central to local government.(....)*
- *The creation of an electoral and party system which is responsive enough to the changing values and demands of today’s population to allow the necessary and organic creation of new political alliances, value systems and organisations which better represent those values and demands.*
- *The creation of a culture of political engagement in which policy and decision-making employs direct input from citizens. The system should provide citizens with clear rights and processes by which to exercise that input from conception through to implementation.*

These three imperatives stand or fall alongside each other. The implementation of only one or two of the three will not create the re-engagement with formal democracy for which many people now hope. Elected representatives need greater freedom, but if they still belong to parties which have lost their connection with the wider public or have no reason to enter into detailed dialogue with that wider public, disengagement will continue.

Comment:

The most effective way to ensure that “policy and decision-making employs direct input from citizens”, as identified in PoWEr’s own survey (57 varieties, drafted by Graham Smith) is to introduce and apply elements of direct, citizens’ democracy as described above in connection with PoWEr’s Recommendation 24. These methods and procedures, such as citizens’ initiative and referendum, enable the people of a polity to decide matters of constitution and to steer important policy issues. Thus, this “direct democracy” is a principle of higher order than all other proposed reforms. Direct democracy may, arguably should, be used to introduce major reforms and make changes to constitution.

C. Reliance on parliament --- role of parliament in “regulating” citizens’ direct democracy

Remark:

PoWEr lists a group of reforms including direct democracy, citizens’ initiative and citizen-triggered referendum, and calls on parliament to pass a bill introducing these reforms. We cannot comment fully on this proposal but must advise caution. Direct democracy in the modern world is widely regarded as a fundamental right. According

to this view, to which we subscribe, elected politicians and governments are expected to handle most legislation and day to day governing but the electorate retains the right and means to intervene pro-actively or with veto on any public issue. Thus, in legislating to regulate the conduct of direct (citizens') democracy itself, parliaments must act with care. Attempting to restrict or remove constitutionally and fundamentally based democratic rights may have serious repercussions including constitutional crisis.