

# Taking the Initiative

The case for citizen-led decision making

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The opinions expressed are those of the individual authors and do not necessarily reflect the views of the editors or of Unlock Democracy.

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# About the Authors

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# Foreword

**Tristan Stubbs**

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This is an auspicious time for those who advocate a more direct democracy. In recent years, petitions and referendums have captured the public imagination like never before. Last year's 'Onesat' campaign attracted the signatures of a million Europeans, each calling for the EU parliament to move permanently to Brussels. Edinburgh citizens in spring 2005 emphatically rejected congestion-charging after a city-wide vote. And February's online petition against government road-pricing plans memorably won an unprecedented degree of public support.

But for this momentum to be sustained, a more formalised system of participatory democracy will be required. This is where Citizens' Initiatives come in. Setting the petitionary aspect of the above examples within a more formalised legal framework, initiatives allow people to trigger a vote or procedure on any issue they want, as long as they can collect a given number of signatures within a specific period of time. UK politics has for too long been characterised by the accretion of power to the centre. By devolving some legislative and executive authority to the general public, initiatives could offer a much-needed palliative to our fallible constitution.

The system proposed for the UK by Unlock Democracy is unique both in breadth and scope. Initiatives would be available at local, regional and national levels. Not only would they permit citizens to initiate a ballot on specific topics; they would also include provisions for triggering public inquiries, as well as hearings into the performance of public bodies. The process would contain about three deliberative stages in order to ensure thorough consideration of each initiative. Crucially, additional provisions would be included to enable the reversal of unpopular decisions.

In Switzerland, Citizens' Initiatives enjoy a pedigree dating back to the mid-1800s, and the situation there gives some indication of how they might work in Britain. Swiss law requires the signatures of 100,000 voters, or 1.5% of the electorate, to force a referendum on national issues. One suggestion for the U.K. is that 2.5% of any constituency

(one million citizens nationally, or perhaps just 4,000 locally) would be sufficient for a proposal to be put to the ballot or an action to be effected. Naturally, signatures would have to be verified and collected according to rules laid down by the Electoral Commission.

Yet Switzerland is by no means unique. The introduction of initiatives would bring the U.K in line with a trend sweeping Europe and the wider world. Used frequently at state level in Germany, the U.S.A. and Australia and at province level in Canada, initiatives also play an important constitutional role in countries such as Lithuania and Poland. In a significant number of cases, initiative results are legally binding, and this has proved crucial to their success. Where initiatives do not gain the force of law - in New Zealand for instance - their toothlessness has convinced people that initiatives are an expensive waste of time. In Switzerland, where initiatives are binding, direct democracy has, according to some studies, produced greater levels of public happiness.

**“Initiatives seem to have a beneficial effect on the quality of political decision-making... proposals are considered thoughtfully, and compromises reached.”**

This is undoubtedly a consequence of the initiative's ability to reflect specific political or social concerns, even at a local level. As Saira Khan asks, 'Who is better placed to determine the advisability of building a new supermarket on the edge of a town? Local residents who have to live with the consequences of any decision? Or politicians, sitting in Whitehall?'. American ballot initiatives often affect how much citizens are paid or taxed, the public services they receive, the protection of their environment, and their social rights.

By encouraging similar popular engagement with decision-making processes, initiatives would do much to reverse the democratic malaise of a Britain where political scepticism derives chiefly from negligible public ownership of the electoral system. Governments receive an electoral mandate in the U.K. once every five years or so. In the course of an administration, innumerable decisions with real effects on people's lives are made by faceless civil servants. With so little to gain, what incentive is there for voters to turn out for elections?

The problem we face is not that the public is disinterested in politics

- thousands marched for the countryside and against the Iraq war, and membership of campaigning organisations is at an all-time high. Rather, it is that such participation takes place in spite of, and not as a complement to, representative democracy. initiatives were first adopted in the U.S.A. as a result of comparable dissatisfaction with the electoral status quo. The early-twentieth-century Progressive Movement called for their adoption to tackle the influence that special interests were believed to exercise on government.

Other reasons for voter disillusionment include the deteriorating standards of contemporary politics. By cutting out the middle men (politicians), Citizens' Initiatives could represent a timely answer to the sloganeering and obsession with personality that has long infected political discourse. A related feature of initiatives is that they invariably bring more voters to the polls. Due to the range of initiatives on the ballot, and despite its lack of a competitive gubernatorial race, South Dakota recorded the second-highest turnout of any U.S. state in the 2006 Congressional elections. Matt Qvortrup demonstrates below how initiatives have become an effective remedy for deep-set apathy in many other American jurisdictions. The trend is mirrored in Europe as well. In an era of low participation elsewhere, Switzerland enjoys one of the highest levels of political engagement of any democratic country.

The Swiss also fare admirably in international surveys of voter satisfaction, and not just because direct democracy allows them to see the immediate results of their ballots. Initiatives seem to have a beneficial effect on the quality of political decision-making. Fearful of effective public censure, governments consult with citizens on the direction of policy far more regularly than they do in countries without initiatives. Often the result is a centrist consensus: with no single ideology or interest group dominant, proposals are considered thoughtfully, and compromises reached.

This is not to suggest that initiatives are flawless. Having people vote on hot-button topics can be used as a force multiplier for intolerance much in the same way that initiatives raise turnout. In a cynical attempt to bring out evangelical Christian voters during last year's mid-terms, Republicans introduced a scheme to outlaw same-sex marriage onto many states' ballots. Powerful lobbies might exploit the system, as already occurs in American initiative states where companies are paid to collect signatures in order to push a vote on lucrative issues. And political parties might exploit it, too: witness the California recall election that ejected Gray Davis, the incumbent

Democrat, and replaced him with Arnold Schwarzenegger.

Critics of the system argue that initiatives give undue legislative influence to populist - and perhaps even extremist - demands. But the happy experience of initiative countries worldwide should assuage many such concerns. Votes to bring back capital punishment have been defeated. Higher taxes have been approved, and soft drugs legalised. In the South Dakota mid-terms, a restrictive abortion law passed by the state legislature was overturned. Although citizens often vote along liberal lines, they also make conservative choices. The same ballot stymied a proposal to legalise cannabis for medical purposes and approved a ban on civil partnerships.

**“Since public apathy derives from the notion that voting has little effect, giving away a small degree of power will yield large electoral gains for any government brave enough to try it.”**

The point to note is that the public will was equitably represented by this vote, whatever we might think of the outcome. Unpalatable results from Citizens’ Initiatives may well prove their sternest test. Yet discussing these issues in the open - with all sides giving their opinion - surely beats the arcane horse-trading characteristic of modern politics. Nor will the adoption of initiatives drastically change current democratic arrangements. Important technical decisions will still be made by bureaucrats, and political parties will retain their vigour (though party politics will hopefully lose some of its spitefulness).

To promote Citizens’ Initiatives is therefore not to advocate revolutionary change. Citizens in Darlington have already organised a petition calling for a referendum on directly electing the town’s mayor. The applicability of initiatives to the existing constitutional framework is a compelling argument for their introduction. Despite New Labour’s devolutionary achievements, however, no government will readily give up control over the legislative process or executive procedures. While this means that reform may have to originate with the public, this is hardly a bad thing. U.K. citizens fully comprehend the power that laws - for good or ill - exert on their daily lives. Since public apathy derives not from a lack of interest in democracy, but from the notion that voting has little effect, giving away a small degree of power will yield large electoral gains for any government brave enough to try it.

# Power to the People

Saira Khan

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As a modern 21st century citizen of Britain, I just can't relate to a political system that only allows me a vote every five years. So, for most of my adult life, I have been, like so many other people, disengaged and disillusioned with our democracy. My work as a town planner meant that I had contact with councillors and my determination to set up my own business ensured that I knew about regulations and tax affecting companies. But before I applied to take part in the reality TV series *The Apprentice*, politics was the last thing on my mind. So to find myself heading up a political campaign of any sort came as something of a culture shock.

But sometimes in life an idea hits you with such blinding clarity that you can't get it out of your head and you absolutely have to act on it. That's what happened to me last year when I was asked to join a panel discussion at the Power Inquiry conference.

The inquiry was set up to examine why people are alienated from the political system and the purpose of the conference was to discuss its findings. I was shocked by the findings of the Power Inquiry. The report set out, in damning detail, research revealing the extent to which people now have contempt for politicians and have lost faith in the political system itself. Everyone knows there is problem. A recent poll found that 78% of people agree that, to win elections, parliamentary candidates make promises they have no intention of keeping, 70% believe that most MPs do not care deeply about the problems of ordinary citizens, and 71% think that MPs care more about special interests than people like them.

I was brought up to value Britain's democratic tradition and to think of it as a cornerstone of national stability. Sadly, it is all too clear that most citizens no longer feel any real sense of ownership of our democracy. For many people, politics is something that happens to them and around them. It is certainly not something they feel they can control in any meaningful way. And it is not apathy but disempowerment that is the root cause of the problem – just look at how many people join single-issue groups or were prepared to

march for the countryside or against the Iraq war.

People clearly want a say on the issues they decide are important. One of the Power Inquiry's proposals leapt off the page at me because it suggested giving people that say. It was the idea of introducing citizen-led referendums – or Citizens' Initiatives – based on the form of direct democracy used in the USA, Switzerland, New Zealand and a number of Eastern European countries. This allows citizens to trigger a referendum on any issue they choose if they can collect a certain number of signatures. And the result of the referendum becomes law.

**“For many people, politics is something that happens to them and around them. It is certainly not something they feel they can control in any meaningful way.”**

I am convinced that Britain should adopt a system of Citizens' Initiatives. It would revitalize our democracy, re-engaging people who have been turned off politics because their views are ignored. Our democracy would become relevant for people, like me, who are passionate about the big issues that affect their communities but bored by the remote world of the Westminster village.

Politicians who are instinctively hostile to giving voters a bigger say and who prefer to get a five-yearly contract to run the country as they see fit should wake up and smell the coffee. The world has changed.

Britain is a sophisticated 21st-century society, but we still have to make do with a crude 19th-century system of limited and indirect democracy. A general election is held once every four or five years and power handed to a political party that forms a government. During that time hundreds, perhaps thousands, of important decisions affecting the lives of millions are made by a handful of politicians and civil servants. We can't go on like this.

Direct democracy has the power to transform not merely the legitimacy of political decision-making, but also the quality of decisions. Who is better placed to determine the advisability of building a new supermarket on the edge of a town? Local residents who understand the situation and will have to live with the consequences of any decision? Or politicians, sitting in Whitehall?

To those who fear demagoguery or rule by tabloid, I would urge them to examine the reality of what happens in other countries with Citizens' Initiatives. Votes to bring back capital punishment have been defeated. Proposals to raise taxes have been approved. Soft drugs have been legalised. All the evidence shows that there is no inevitable ideological direction of travel. Ideas get a hearing and tend to be decided on their merits. Often, the fear of facing a vote on a policy leads governments to consult more widely and seek compromise.

**“Britain is a sophisticated 21st-century society, but we still have to make do with a crude 19th-century system of limited and indirect democracy.”**

Whatever the eventual outcome, there is one invariable consequence of Citizens' Initiatives that no one disputes: voters are always far better informed about the political issues under discussion at the end of the process. I am convinced that this is the way forward for British politics. That is why OUR SAY was set up to campaign for the introduction of Citizens' Initiatives in the UK. Under our proposals a petition of one million signatures would trigger a national referendum while a local vote could be held with the support of a few thousand people. All referendums would take place on a single day each year – Referendum Day, held to coincide with local elections.

Of course not all decisions would be suitable to be decided by referendums – indeed, even in Switzerland where direct democracy is well established, the overwhelming majority of decisions are still taken by elected politicians. But Citizens' Initiatives mean that some of the power wielded by politicians is shared with the electorate at large.

There is one thing I'm certain of: we are no threat to politicians. On the contrary, we are the answer to their problems.

# Parliament isn't working: why we need a right of referenda and initiative

Douglas Carswell MP

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Until I was elected to the House of Commons, I believed that British democracy worked. Our Parliament was, so I had been taught, the envy of the world.

It has taken just two short years for me to change my mind. Rather than a source of national pride, we should be ashamed of the unresponsive and self-serving institution by the Thames that our Parliament has become.

## A Quango State

If Britain were a properly functioning representative democracy the choices made by millions in polling booths would have a tangible impact on how they were governed. Not only in national elections, but in local polls too, people could have a direct say in what taxes they paid, and what public services we received. We would be able to hold to account those who made the key decisions that affect our lives.

Yet today Britain is more an unaccountable quangocracy than a representative democracy. Voters' choices count for little. Power that once rested with those we elect now resides with a myriad of unaccountable agencies, quangos and "expert" groups. An alphabet soup of executive agencies, from the CSA to the DVLA, from the FSA to the DPA, from the INA to OFCOM, hold executive powers that once rested with those we sent to Parliament. Vain, self-important politicians might not like to admit it, but it is the unelected expert that today decides policy on everything from food standards to financial regulation, and from defence procurement to immigration. Then there is the biggest quango of the lot, the EU Commission in Brussels, today responsible for initiating over 60% of our law.

Indeed, in the words of EU Commissioner Peter Mandelson, the age of purely representative democracy is coming to an end. And judging by how they behave at election time, it appears that an ever-larger chunk of the electorate agrees with him - on that, if nothing else.

Almost 70% of voters no longer bother voting in local polls. Four in ten decline the chance to take part in General Elections. Far from being too content to bother, or merely apathetic, voters increasingly do not vote because they have perceptively recognised that in Britain today there is little purpose in voting at all. There is little that politicians can effectively achieve when they are either acting as apologists for the various quangos (usually the role of the government-side) or trying to pressurise them (normally the Opposition's role).

## **Parliament isn't working**

Parliament is failing because it is deeply unresponsive. Designed - literally and metaphorically - in the age of steam, it is failing in the era of YouTube. Back when the fastest form of transport in the country was a horse, it made sense to send representatives to Parliament to make laws on the electorate's behalf. At a very practical level, there was a limit to the amount of citizen participation possible. Yet today it is far from clear why the citizen should not have a far more direct say on law-making.

Parliament might be elected, but the reality is that today its members have very little say deciding what laws are made. Backbench MPs can enter their name into the essentially meaningless Private Member's Bill lottery but even if their name is drawn from the hat, their chances of bringing about a change in the law are very slender. The unelected Law Commission has a greater say setting the legislative agenda than all but the most senior cabinet minister.

Clearly the various Queen's Speeches do contain key manifesto pledges on which the majority party in the Commons was elected. Yet all too often they read more like a legislative wish list put together by senior civil servants.

If enough of even the most humble backbenchers got together to resist a motion, it would not become law. Yet how rarely does that happen? With most MPs representing seats that stand little chance of changing hands in a General Election, and with the executive and the Whips exercising a vice like grip on the Commons, only the most incompetent and enfeebled government fails to get its - or rather, Sir Humphrey's - business through.

At the same time as Parliament has lost its monopoly to make law, the right to initiate new law has moved in precisely the wrong direction. Unelected EU institutions and activist Human Rights judges have

seen to it that Acts of Parliament are no longer the sole source of the law. Parliament has surrendered its powers upwards, towards a narrow unaccountable elite, rather than downwards to the citizen.

Tory traditionalists who oppose the use of referenda often do so by bovinely invoking the notion of parliamentary sovereignty. Yet the sovereignty of Parliament, fought for by Cromwell and others, was not sought as an end in itself. A powerful Parliament was shorthand for accountable government. Yet if Parliament has herself now grown unaccountable, how can the sovereignty of Parliament alone produce accountable government? If Parliament has not only handed away those precious powers to a narrow technocratic elite, but actually lends a bogus legitimacy to government by that elite, surely it is time to ask if democracy might be better served not by parliamentary sovereignty, but by a more direct form of popular sovereignty.

What is to be done? Parliament needs to pass some of her powers to initiate and pass laws downwards to the people.

### **a. People's Bills**

A new right of initiative should enable ordinary voters to have a direct say over the Bills introduced and debated in the House of Commons.

Once the Queen has read out the Speech drafted for her by her ministers (and Sir Humphrey), she should then read out a speech prepared by the people. It should contain a list of twelve Bills, each one chosen by popular petition and guaranteed a second reading on the floor of the House of Commons. That would mean that once a month, MPs would have the opportunity to debate and vote on a measure proposed directly by voters.

This would only be a right of initiative; MPs would not be under obligation to vote for the motion. Indeed, they would be free to vote which ever way they wished, or indeed, not at all. But they would no longer be able to avoid discussing issues of concern to voters, which the political classes all too often choose to overlook.

Any motion correctly framed and with enough signatures - either actual or electronic - would be in contention to be included in the Queen's Speech. But only the twelve that had gained the highest number of signatures would qualify. Anyone on the electoral roll would be entitled to sign as many petitions as they liked.

Would there not be some daft Bills? You mean like the Bill that tried to exempt MPs expenses from the Freedom of Information Act? Or like the Dangerous Dogs Act? Perhaps there would be some daft Bills, but there are already plenty of those. With a right of initiative, it is unlikely that any such Bills would become law since MPs would not be under any obligation to vote for the motion. They would, however, have to be prepared to explain to voters their views on issues that mattered to the country.

Would there be mob rule? If people had a direct say in setting Parliament's legislative agenda, there would clearly be some popular measures given a second reading. However, MPs could simply veto measures they felt illiberal, irresponsible or dangerous. In fact, in those countries with a right of initiative, far from inciting mob rule, voters tend to behave responsibly and liberally, exercising a wisdom not all of our politicians possess.

**“With a right of referenda to veto legislation, voters could do the job of holding the executive in check themselves.”**

Far from being illiberal, a right of popular initiative would restore true liberalism. Those who currently help shape our legislative agenda, be they civil servants or commissioners, the occasional cabinet minister or a myriad of officials, all have one thing in common: they work in government. They are, therefore, by virtue of their professional prejudice, more likely than not to promote more government as the answer no matter what the question. Big State intervention and intrusive legislation has become the norm, regardless of which party holds office, partly because those who author our laws have a tendency to see officialdom as the answer, more often than as the problem. Allowing voters to decide on the legislative agenda could provide the necessary balance of opinion.

## **b. A Right of Referenda**

A right of referenda is needed to enable people to call a vote to strike down any Act of Parliament that they dislike - with the possible exception of money Bills and budgets.

Once Parliament has passed a Bill, it is passed for Royal Assent before becoming an Act. Before Royal Assent is given, there should

be a mechanism for a referendum to strike out unpopular laws. If more than a certain high threshold of voters has petitioned for a plebiscite, it should be put to the people to decide if the Bill should receive Royal Assent.

To what extent would referenda be binding on Parliament? A plebiscite would never oblige Parliament to implement a particular measure or approve a certain course of action. By definition, a referendum would only take place to either ratify or veto a measure already approved by Parliament.

In those countries where there is an effective separation of powers, the ambition of the executive is constantly checked by the legislature. Parliament's failure to hold the executive to account in the UK has removed one of the key brakes on big government. Too many of those we elect to Parliament are more intent on being, or on becoming, part of the executive, rather than holding it in check. Yet with a right of referenda to veto legislation, voters could do the job of holding the executive in check themselves.

### **c. Direct Local Democracy**

A similar right of initiative and referendum at a local level should mirror that at a national level. Just as voters should be able to compel our national Parliament to debate a motion, local voters should have similar powers to force votes in their council chambers. In the same way that the electorate should be able to demand a referenda to approve or veto a Bill passed by Parliament, local people should be given the right to strike down decisions made in their town hall with which they disagree.

As with a national right of initiative, the local right of initiative would be triggered by petition. As with the national right to call a referendum, the referendum motion must be to veto an action of the local executive, not to trigger one. The right of initiative and the right of referenda should be separate at a national level, and they must be kept separate locally too.

### **The limits of direct democracy**

Direct democracy, just like parliamentary sovereignty or representative democracy, is a means to an end, not an end in itself. Its purpose is to break up and dissolve unaccountable concentrations of power: to hold the unaccountable to account. It is important to remember that

there is a point at which direct democracy could become counter productive.

Certainly, the ballot box is better than having no accountability at all. It is also far superior to the faux accountability implicit in deliberative polling, and other such corporatist con tricks. But it is in itself deeply flawed and in some circumstances can provide nothing more than a crude form of accountability. Direct democracy is not the answer either when it creates its own unaccountable concentration of power, or where a more effective mechanism for accountability is available.

Take, for example, the hypothetical scenario in which a local referendum is used to decide whether or not to approve a planning application to build a new supermarket. Superficially, this is local accountability in action. But is it necessarily so?

The rich nimby able to hop into his Volvo and go to Waitrose might fiercely oppose the new development. But the poor single mother, who might stand to gain most from having a cheap place to buy food and a potential source of employment on her doorstep, is unlikely to campaign in favour of a development that has not yet materialised.

In *The Virtues of Capitalism*, Arthur Seldon wrote about the democracy of the market place. The market place is better at allocating resources than even the most democratically accountable politician. It's also pretty democratic, too, removing as it does unfair advantage and giving people what they actually want. Imagine how terrible it might be if we voted as to how many kinds of restaurants we wanted in our High Street, rather than answering the question with our wallets as customers. Contemplate, if you can, what might happen if we used deliberative polls to decide what range of holiday destinations should be made available for us this year. We would be less likely to get what we wanted than if we let the market decide.

The market cannot, however (despite the best efforts of lobbyists) decide what laws are made. Nor should the market place alone determine where supermarkets are built. Direct democracy, like market forces, is a force for good so long as it means accountability and a diffusion of power.

# Doing it Digitally

**Derek Wyatt MP**

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The fuss over the e-petitions on the No. 10 web site – where there were over 1.8 million signatories to the petition against road-pricing before the deadline passed, for example – shows up some naivety by No. 10 and some ignorance by participants but otherwise this has been a sensible experiment and one that is worthy of further development. Why not ask those who register to add their postcodes (about 65% of internet traffic to UK sites originates from the USA) and change the UK constitution so that (say) 100,000 verifiable UK petitioners can debate their subject against or with MPs in the alternative chamber, known in the House of Commons ([www.parliament.uk](http://www.parliament.uk)) as Westminster Hall? That would be a welcome addition to the otherwise widening democratic deficit.

Citizens' Initiatives will, eventually, be introduced in this country. The success of the 10 Downing Street e-petitions website – for many other topics as well as protesting the proposed introduction of road-pricing – shows a public demand for introducing a way to influence the political process. After all, 1.8 million people signed an online petition but, were that option not available, how many would have written to their MPs to express their views on the subject? A figure far removed from that, for sure.

Citizens' Initiatives of one form or another are used in a number of US states and various countries around the world, and figures suggest that they increase average turnout on election day.

'E' politics has been around for a decade or so, but the popularity of the petition site on the Downing Street website coupled with the phenomenal success of social networking websites such as facebook, myspace, youtube and others show the vast potential of the internet as a force for democratic change and involvement. Take a look at the French Presidential elections and you will see that Segolene Royal used her [www.secondlife.com](http://www.secondlife.com) site to announce policy; meanwhile she was reported to have a staff of forty-five handling her email and web traffic.

Look across the Atlantic and poke your nose into the Democratic candidates seeking the nominations to be the candidate in the 2008 Presidential elections. Senator Hillary Clinton did not choose the traditional news channels on Fox, ABC, CBS or NBC to announce her candidature but her own web site ([www.hillaryclinton.com](http://www.hillaryclinton.com)). Senator Barack Obama developed a [www.facebook.com](http://www.facebook.com) site and had a million hits the weekend after his declaration ([www.barackobama.com](http://www.barackobama.com)). These are very impressive numbers and give candidates the chance of developing fan clubs and workers. Incidentally, Sir Menzies Campbell was the first Leader to develop a facebook site in the UK ([www.libdems.org.uk](http://www.libdems.org.uk)). The use of the internet in this way shows its potential for organising people to engage with politicians in much easier ways than were previously possible.

**“Citizens’ Initiatives and ‘e’ democracy are both valuable tools to use in an attempt to engage more of the people in politics more of the time.”**

I can see a point where we, perhaps, move past Citizens’ Initiatives and have a system of ‘local juries’. These organisations could start to look at pre-legislation at a local level and they can be electronically linked to other local juries over the internet. This system would work in parallel with a Citizens’ Initiative scheme and would give the voters a much greater say in the political process.

There are three web sites (of many) that I think are worth a further perusal. Across the pond in Charleston, South Carolina, Phil Noble has been ploughing what was once a lonely furrow with his [www.politicsonline.com](http://www.politicsonline.com) site which is outstanding. It tends to be too American-centric and it needs to further develop its “rest of the world” activity to be truly global. Then, in London, there is the rather dry [www.hansard-society.org.uk](http://www.hansard-society.org.uk) site which has done some worthy work but failed, to be frank, to set the world on fire, despite winning Think Tank of the Year in 2006. It is though interested in experimentation with the net and this is where it scores highly. And finally in Brussels is [www.e-parl.net](http://www.e-parl.net). This is a brave attempt (I am the chairman of the UK Chapter) to try and connect the global citizen as well as the democratically elected representative to think beyond his or her space.

I think there is a fourth, yet to be invented web site, for those elected representatives whether parish councillors or chairs of sports clubs or

charities and that is a “Best Practice” web site. We spend an absurd and indecent amount of money on “consultants” – why? If we had a web site that connected us to other MPs and elected representatives around the world who had similar interests we could share best practice and save billions in the process. Drop me an email if you want to help me kick start the process! ([www.derekwyatt.co.uk](http://www.derekwyatt.co.uk))

For me, my web site is an integral part of my daily campaigning. It regularly receives over 450,000 hits per month but as we all know it is the individual visitors that are of real importance and we have about 70,000 of them. Of course, I wish they all lived in my constituency... but over 8,000 do. This year I have also opened up flickr, myspace, youtube and facebook accounts; I’ve corrected what the wiki says about me and I am thinking seriously of a secondlife too. I’m experimenting with them all and having the most fun with youtube where I am placing five new films a month on my site. I do like facebook but as yet I haven’t quite cracked its USP...

I think that Citizens’ Initiatives will help local people, possibly at the opposite end of the grey-power spectrum, develop a relationship with me. Each week about 5,000 people access my diary; I’ve had over 150 constituents asking me for their help on my virtual surgery page (so not that many) and my monthly poll attracts between 100 and 350 replies (so not yet statistically important). In my view whatever it takes – whether that’s a leaflet through a door, a monthly phone call from me or a weekly blog, it is clear that the web is simply the simplest way to add value to your stock as an MP. Citizens’ Initiatives and ‘e’ democracy are both valuable tools to use in an attempt to engage more of the people in politics more of the time.

# The 'Oneseat' campaign and its relevance for Citizens' Initiatives

**Diana Wallis MEP**

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According to a 1992 agreement between EU governments, the European Parliament's main seat was designated as Strasbourg. However, for practical reasons, Parliament's members are based in Brussels near the other EU institutions. Consequently, the entire Parliament must move from Brussels to Strasbourg for four days, twelve times a year. On Monday 18 September, 2006 the campaign to provide the European Parliament with a single seat in Brussels ([www.oneseat.eu](http://www.oneseat.eu)) reached its objective of gathering more than one million signatures. Shortly thereafter and following thorough checks, campaigners delivered the 16,000 pages of names to the European Commission. This was an entirely new exercise in trans-national democracy which referred specifically to a provision in the proposed constitutional Treaty providing for a right of initiative for citizens. Signatures came from every Member State (twenty-five at the time) with the Netherlands obtaining the most (435,126) and the UK (15,946) gathering ten times fewer than Sweden (139,386). However, the fact that the Oneseat initiative was the first initiative of its kind to achieve success raises many questions in itself.

Firstly, it highlights the need to clearly define the scope of citizens' initiatives at EU level. As it is phrased in the proposed constitutional Treaty, the potential subject-matter of Citizens' Initiatives is limited in several ways. Firstly, citizens can only invite the Commission to take an initiative "within the framework of its powers". Secondly, citizens must consider that the matter requires "a legal act... for the purpose of implementing the Constitution". The question of the seat of the institutions is determined by common accord of the governments of the Member States. However, the Commission shares a right of initiative to suggest a formal revision of the Treaty, including the Parliament's seat. Although the proposed constitutional Treaty is somewhat ambiguous on this issue, excluding Treaty amendments altogether would unduly limit the effectiveness of the right of initiative and would risk rendering it worthless in the eyes of citizens. A further issue which will have to be addressed, possibly through an implementing law, is that of compatibility of initiatives with the Treaty, including the Union's core values and fundamental rights. Clarity

in this respect is essential, not only to prevent misuse of such an instrument but to inspire trust in it.

Secondly, the issue of verification of signatures featured prominently in discussions following the Oneseat campaign. This criticism is largely misplaced, given that all valid signatories confirmed their signature by email a second time thus excluding any bogus email addresses. Any shortcomings noted in the Oneseat signature collection process, for example the lack of details on the home of signatories, should be seen in the context of the lack of rules regulating such an exercise. It is unduly formalistic to refuse any examination of such initiatives on the ground that 100% accuracy is not achieved. In Switzerland, for instance, trials have been taking place for several years, allowing local communities to pronounce themselves on initiatives using a secure internet server or even text messaging.

**“What is perhaps most striking in all this is the discrepancy between the citizens’ enthusiasm on the one hand and the lack of a framework for the exercise of participative democracy on the other.”**

Thirdly, the question of the legal status of citizens’ initiatives has become particularly acute at EU level. Although a 2006 report from the Parliament highlighted the citizens’ initiative as one necessary reform that could be carried out pending a constitutional settlement, and Mr Sarkozy proposed to include it in an institutional “mini-Treaty”, its current prospects are uncertain. In that respect, it is noteworthy that the Parliament’s own right of legislative initiative, on which the citizens’ right of initiative was modelled, itself derived from mere institutional practice, only to be later incorporated into primary law. The same pattern emerges when examining the right of access to documents of the EU institutions. What is perhaps most striking in all this is the discrepancy between the citizens’ enthusiasm on the one hand and the lack of a framework for the exercise of participative democracy on the other. Such a situation risks creating frustration, with citizens being told that they have “got it wrong”. In the context of the current legal vacuum, an attempt was made to fit the Oneseat initiative within the straightjacket of a petition to the European Parliament.

However, the right of petition is of an altogether different nature. Whilst a citizens’ initiative is directed to the Commission, the Treaty provides that only the European Parliament can be petitioned. Furthermore, if the Union does not provide itself with the means

of dealing with citizens' initiatives, it would actually be hampering trans-national discussions focused on concrete issues and even the possible emergence of a European demos. A solid legal framework and proper administrative procedures to deal with citizens' initiatives are therefore urgent.

Meanwhile, in the UK, some 1.8 million people have signed a petition calling on the Prime Minister to scrap plans for road charging. There are detailed guidelines on what constitutes an admissible petition to 10 Downing Street. For example, petitioners are instructed that they "may freely disagree with the Government". However, what is entirely lacking is any explanation of the legal effect of such petitions or of the way in which they are taken into account in the policy-making process. Allowing people to make their views known, or even, as Tony Blair puts it to "generate a national debate at the click of a mouse" is one thing; giving citizens the opportunity to properly engage in the political process may require some further thought. The current unwillingness of elected politicians to allow the use of direct democratic instruments or to clarify their status seems to reveal their disrespect for the electorate's views. True direct democracy should be a respectful partnership between representatives and the electorate, something which at the moment is totally missing.

# 'Say's Law' Revisited: Citizens' Initiatives and Democratic Engagement

Prof. Matt Qvortrup

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The eighteenth-century French economist Jean Baptiste Say developed one of the most famous 'laws' of classical economics. According to Say's maxim, 'a supply creates its own demand'. The question under consideration here is whether this law is also true for politics and democracy; that is to say, will a greater 'supply' of democracy create more interest in political participation? As will be shown, it would seem that provisions for citizens' initiatives do in fact lead to greater political mobilisation.

Known primarily from the USA and Switzerland, a Citizens' Initiative is a mechanism which permits citizens themselves to trigger a vote on any issue, subject only to acquiring a set number of signatures on a petition. After the Second World War, with the exception of Switzerland no polities in Europe had the initiative.

Swiss voters are only allowed to initiate constitutional changes (which require the signatures of at least 100,000 citizens) and, although provisions for the initiative have now been introduced in the Ukraine, Hungary, Latvia, Slovakia and Lithuania, it is still rare in long-established democracies. New Zealand and several American states are, with Switzerland, the only countries outside the former communist bloc that licence their citizens to initiate legislation at the national level.

**Table 1:** Provisions for Initiatives in Democracies (Excluding USA)

Country	Threshold	No. of Initiatives
Hungary	200,000	7
Latvia	10% (Constitutional and Legislative)	2
Lithuania	300,000 (Constitutional)	6
New Zealand	10 % (Constitutional)	2
Switzerland	100,000 (Constitutional)	145
Slovakia	350,000	4
Ukraine	3,000,000 (Legislative)	1

However, initiatives have rarely been used in Eastern and Central European countries due to harsh turnout requirements. Usually a turnout of more than 50% is needed. There have nonetheless been examples of high profile legislation enacted as a result of citizen-initiated processes. In 1996 for instance, Lithuanian citizens had the opportunity to vote on an initiative which stipulated that “at least half of the [national] budget [must be allocated] to citizens’ social needs” (76% supported the proposal).

**“What was true for economics would now appear to be true for democracy: That a greater supply of democracy creates a demand for political participation.”**

But this example was very much an exception to the rule. Perhaps the most controversial initiative of any former communist country took place in Hungary in 1989, when the Communist Party initiated a vote on whether the president should be directly elected. The party expected that the direct election of the executive would boost the Communists’ chances of securing the election of one of their candidates. Yet the plan failed to meet the 50% turnout quorum since only 9% of the voters cast a ballot. Initiatives in Slovakia - on issues such as bringing forward the date of the next election - have also fallen due to low turnout, as have a majority of the initiatives in Latvia.

The situation is somewhat different in the United States. Twenty-four states have provisions for initiatives, though provisions have been used with varying frequency (ostensibly due to different qualification requirements). While initiatives have been used sparingly in other parts of the world, they have become an integral part of US political life, especially in the Pacific coast states of Oregon, Washington and California.

In these states, major issues such as immigration, taxation and, more recently, environmental issues have been put on the ballot, generating considerable discussion about the pros and cons of this form of direct democracy. One major issue has been whether initiatives lead to greater political involvement.

## **Democratic involvement**

While some view democracy as desirable purely on instrumental (or utilitarian) grounds, others favour it for idealistic reasons. Institutions

that bring about higher and deeper public engagement consequently have an intrinsic democratic value for both groups. How do Citizens' Initiatives fare in this regard?

It would certainly seem that turnout is correlated with those electoral ballots which contain provisions for initiatives. While the evidence is hotly debated, voting statistics may corroborate this thesis. Turnout in American states that used initiatives between 1978 and 1984 was on average 5 percent higher than in the states that did not (see Table 2).

**Table 2:** Relationship between Voter Turnout and Initiatives on the Ballot

<b>Turnout of Eligible Voters</b>	<b>1978</b>	<b>1980</b>	<b>1982</b>	<b>1984</b>
States with Initiatives	44.7	59.9	46.8	54.5
States without Initiatives	39.0	55.0	39.8	51.5

Source: M. Qvortrup: A Comparative Study of Referendums, Manchester 2005.

A 1992 study by the Public Affairs Research Institute also found that voter turnout was higher in states with initiatives on the ballot than elsewhere - 50% compared to 42%. The research showed that ballot initiatives tend to have a bigger impact in non-presidential election years, where the difference in turnout is 45% to 34%, than in presidential elections, where the differential is only 57% to 55%.

More recently, Daniel Smith and Caroline Tolbert found that each additional initiative on the ballot during a mid-term election in America increases turnout by an average of 1.2%. They also found that citizens were more knowledgeable, interested and engaged in politics when there are propositions on the ballot.

An initial analysis of the 2006 midterm elections also shows higher turnout in states with initiatives on the ballot. Average turnout for the 18 states with initiatives was 45.1%, while the 32 states without initiatives averaged 39.6%. Turnout across the US was 40.4%.

Initiatives are clearly not the only factor in determining turnout, with some non-initiative states registering high turnout and some initiative states with low numbers voting. Yet, as Table 3 shows, 13 of the 18 initiative states are in the top half ranked by turnout, and only one is in the bottom quarter.

**Table 3:** Turnout in November 2006 midterm elections. States with Initiatives on the ballot are shown in bold.

<i>State</i>	<i>Turnout</i>	<i>State</i>	<i>Turnout</i>
Minnesota	59.19	<b>Colorado</b>	<b>40.73</b>
<b>South Dakota</b>	<b>57.95</b>	Maryland	40.54
<b>Montana</b>	<b>55.58</b>	Tennessee	39.96
Vermont	54.89	New Mexico	39.87
<b>Maine</b>	<b>54.19</b>	Kentucky	39
Wisconsin	52.2	Hawaii	38.6
<b>Michigan</b>	<b>51.51</b>	Illinois	38.46
Rhode Island	51.21	New Jersey	38.18
<b>Oregon</b>	<b>50.69</b>	<b>Florida</b>	<b>37.5</b>
Wyoming	49.71	<b>California</b>	<b>36.05</b>
<b>Massachusetts</b>	<b>49.03</b>	<b>Nevada</b>	<b>35.8</b>
<b>Missouri</b>	<b>48.3</b>	Arkansas	35.73
Connecticut	47.39	Alabama	35.5
Iowa	47.32	Oklahoma	35.31
<b>Nebraska</b>	<b>46.09</b>	Indiana	35.23
<b>Alaska</b>	<b>44.77</b>	New York	33.82
<b>North Dakota</b>	<b>44.65</b>	South Carolina	33.67
<b>Ohio</b>	<b>44.64</b>	Utah	33.17
Virginia	43.82	Georgia	32.11
Pennsylvania	43.25	West Virginia	31.51
<b>Idaho</b>	<b>42.82</b>	Texas	30.11
New Hampshire	42.04	<b>Arizona</b>	<b>29.39</b>
Kansas	42.03	North Carolina	28.89
<b>Washington</b>	<b>41.57</b>	Louisiana	26.81
Delaware	40.86	Mississippi	26.8

Based on figures provided by The Initiative and Referendum Institute

Election officials in several states – but particularly in South Dakota - attributed high turnouts to the presence of controversial initiatives on the ballot. In that state (where turnout was almost 58%) there were eight initiatives, including proposals to increase tobacco tax to fund health and education services, stop state aircraft being used for non-official business, limit property tax increases, legalize marijuana for medical use and abolish the video lottery (the state-run network of gambling machines).

## **Conclusion**

In the early 1980s many British politicians became strident advocates of supply-side economics, frequently invoking Jean Baptiste Say's maxim of political economy. What was true for economics would now appear to be true for democracy: That a greater supply of democracy creates a demand for political participation. Citizens' Initiatives would – *ceteris paribus* – improve democratic involvement. The time has come for a similar revolution in our democracy: the introduction of supply-side politics.

Sceptics may ask whether it would work. In response to this, we can only cite Jeremy Bentham's conviction that the "utility of this remedial process would depend entirely upon the way it was administered; yet the rejection of a means so salutary can only originate in culpable indifference anxious to save itself the trouble of discovering expedients".

# A Practical Guide to Citizen-Triggered Decision Making

**Bruno Kaufmann**

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Within the set of instruments and rights called “Direct Democracy”, registered electors play a critical role as both agenda-setters and decision-makers. Under some procedures, citizens are even able to trigger certain procedures and final decisions - primarily by gathering a certain number of valid signatures.

This article deals with the procedural aspects of such citizen-triggered, direct democratic activities. It sets out the major steps in the process and offers an insight into the various patterns and solutions available across the world today.

Four distinct categories of citizen-triggered procedures are available. These are outlined in Table 1.

**Table 1:** Definitions of citizen-triggered direct democracy procedures

Citizens' Initiative	Allows a certain number of citizens to initiate a vote of the electorate on a proposal which they have outlined. The proposal may, for example, amend the constitution, or adopt, repeal or amend an existing law.
Citizens' Demand	Allows a certain number of citizens to initiate referendum to abrogate or re-ject An existing law or a law just passed by the legislature.
Agenda Initiative	Enables a number of citizens to submit a proposal which must be considered by the legislature but is not submitted to a vote of the electorate.
Recall	Allows a specified number of citizens to demand a vote of the electorate on whether an elected holder of public office should be removed from that office before the end of his or her term of office.

Most citizen-triggered procedures do not offer fast-tracks and short-cuts towards a ballot vote or a veto. In addition most mechanisms “from below” include interaction with the authorities and therefore offer opportunities to make representative democracy more representative. In contrast, some direct democratic procedures “from above” do include plebiscitary risks such as the by-passing of parliament or the manipulation of the electoral process.

Citizen-triggered procedures often include extensive work by citizens (and authorities) in order to prepare, conduct and conclude a process, which can take many years to achieve. This is especially true for the various initiative mechanisms, which symbolize the right for a minority to get – firstly - an issue on the political agenda and - secondly (in the case of citizen initiatives) - a binding ballot question answered by an electorate. Citizen demand and recall process however do not take as much time, as they are reactive mechanisms aimed at controlling, stopping or legitimating a certain issue or – in the recall case – an officeholder.

Despite their many differences, we can identify a series of features common to all direct democratic procedures from the birth of the idea until the moment when an initiative, demand or recall is qualified for the ballot (or, in the case of an Agenda Initiative, for a legislative consultation).

Citizen-triggered direct democracy procedures are available in many countries and territories across the world but they can be designed in very different ways, and include limitations such as the number of required signatures, pre-defined time frames and even the exclusion of certain issues.

In this article, I identify and assess eighteen major steps or phases within citizen-triggered direct democracy procedures.

**Table 2: Steps and Actors towards a qualified citizen-triggered procedure**

Step No.	Event(s)	Actor(s)	Remark(s)
1	Availability	Electoral Management Body (EMB), Educational, NGO	Efforts to guarantee knowledge on available procedures
2	Idea	Group of citizens and/or organizations	Depending on the exact procedure this may include a totally new idea or a reaction to a new law
3	Establishment	Group of citizens	The informal establishment of a initiative/demand/recall committee
4	Draft	Committee, EMB	Agreement on a text (and possibly translations) for a new/change of law or constitutional amendment
5	Title	Committee, EMB, Legislative Body	Agreement on a title for the proposal and whole process to come
6	Registration	Committee, EMB	The formal step to register an initiative/demand/recall with the authorities
7	Responsibility	Committee, EMB	The informal committee becomes the legal responsible bearer of the initiative/demand/recall with rights and duties
8	Legality	Designated authority	Checks on legality or constitutionality may take place at several points in the process and will be undertaken by one or several designated authorities
9	Launch	Committee	With the official start of the signature gathering the initiative/demand/recall enters its most critical phase
10	Signing	Citizens, committee, authorities	The signature gathering process has to consider certain rules, options and limitations

Step No.	Event(s)	Actor(s)	Remark(s)
11	Submission	Committee, EMB	The gathered signatures are delivered to the authorities
12	Validation	EMB	The authorities check the eligibility and validity of the delivered signatures
13	Verification	Authorities	After fulfilling the validity check the initiative/demand/recall is verified and may be directly qualified to the ballot (demand/recall) or sent to the legislative body or government for consideration (initiatives)
14	Interaction	Legislature, Government, President	The initiative proposal is now an "official" matter. The legislative or governmental body may have the right to put an alternative proposal on the ballot and to give recommendations. As an element of interaction the initiative committee may have the right to draw back their initiative in order to find a compromise
15	Certification	Authorities	Setting the ballot (time, final rules, campaign assistance)
16	Campaign	Everybody	Campaign regulations for free and fair procedures may be applicable
17	Voting	Everybody	Voting may take different forms (ballot, remote, e-voting) and may take place over a period of several weeks
18	Decision	Committee, Authorities	In the case of irregularities, an appeal procedure may start. Otherwise the decision is made.

In many jurisdictions, just a few of these steps will be relevant and in other countries additional intermediate steps may be required, especially those linked to juridical reviews and checks. Notwithstanding these caveats, the eighteen stages offer a rather comprehensive guideline for designers, administrators, users and observers to assess both the complexity and the need of time and resources (human and financial) to conduct such a process. It is worth considering each step

in greater depth.

## **Availability**

It may be part of the dedicated democratic infrastructure of a country to ensure that all citizens know about the availability of initiative-referendum-recall procedures. This includes efforts on the internet, printed materials, educational efforts and media coverage. Naturally, frequent and “successful” uses of the procedures are the best way to inform the public about their availability. In many countries, electoral processes (including direct democracy mechanisms, where applicable) are a major subject of civic education in both elementary and secondary schools.

## **Idea**

This is the starting point of each direct democratic procedure. All de jure citizen-triggered procedures only become de facto practices when there is a group of people or organizations who want to address a certain problem in society. This may be a totally new and radical idea, a very pragmatic and feasible reform or just the will to control the legislature by stopping one of its (old or new) decisions. This non-official phase often includes a lot of debate on the right way to promote the idea.

## **Establishment**

The first people to draft, deposit, sign and register an initiative/demand/recall-process are the initiators. In order to be able to register a citizen-triggered process, most countries require the establishment of a designated committee, which needs to meet certain conditions. This committee will be the legal body with which the authorities and other actors will deal during the forthcoming steps.

## **Draft**

One of the pre-conditions to register a citizen-triggered procedure in most countries implies the formulation of a legal or constitutional text. It is therefore possible that the final text on which a popular decision will be held must be agreed upon at this early stage in the process. Fortunately a large number of countries provide official assistance with this task, including some support for translations in multi-lingual polities. However, there is still the problem of mistrust between the (possibly challenged) authorities and the actual challenger, the

initiative committee. With a first version of a text, the initial idea is transformed into a direct democracy tool.

## **Title**

A title must be found for the proposal. This can be an important way of communicating with the final decision-makers (i.e. the electorate). For this reason and because of bad experiences in many countries, the determination of the title is subject to certain regulations. First, there are rules governing who is eligible to decide the title and secondly, titles which are inconsistent with the content of the proposal or which contain inflammatory or commercial statements may be disqualified.

## **Registration**

When an initiative/demand/recall for publication is registered, the legal process of the citizen-triggered direct democracy procedures officially starts.

## **Responsibility**

The registration of the proposal also entails the registration of the committee, which has certain duties and rights, such as the right to withdraw the proposal. A registered committee may be the only body allowed to withdraw an initiative later in the process.

## **Legality**

The legality and/or constitutionality of the proposal can be checked at any point in the process, even – as in most US states – after the initiative has been passed. An early legality and/or constitutionality check carries the risk that the authorities may end a citizen-triggered procedure before it even takes off. However, it does at least mean that time and effort will not be wasted on a process which turns out to be invalid.

## **Launch**

Once the proposal is published and the initial registration and checks are fulfilled, it is the citizens' turn to sign the proposal and to convince others of doing the same. After the publication of the proposal, the 'signature gathering' has officially started. It is at this stage therefore very important to understand the rules on signature gathering (see next step).

## **Signing**

Signing by hand has been and still is the most common method to formally support a proposal. However, electronic and digital methods are also available. While some countries only allow signatures by hand others also provide for the possibility of electronic signature gathering. In some countries it is explicitly forbidden to use paid signature gatherers. The signing process can be restricted by time limitations and – and in some cases only at specified places. For example, in Bavaria initiative committees have just fourteen days to gather the signatures of at least 10% of the electorate and the signatures can only be gathered within designated official premises. In contrast, a citizens' initiative in Switzerland can gather signatures freely and needs to collect 100,000 signatures (approx 2% of the electorate) within eighteen months.

## **Submission**

After gathering the requested number of signatures, the registered committee will deposit the collected signatures with the proper authorities. This is called the submission of an initiative/demand/recall. Submitting a sufficient number of signatures marks a major step in each citizen-triggered procedure as it means that the issue of a few has become the issue of many. At this moment the initiative committee should be quite sure that the required threshold of signatures (and additional requirements) has really been met. This can be a particular problem if the time provided for the gathering is very short.

## **Validation**

At this stage, the validity of the submission is checked by the authorities. Furthermore, the submitted signatures will have to be validated. Different means of validation are used, depending on the structure of a polity and the methods used for identification.

## **Verification**

When the authorities have completed the validity check, the proposal can be verified. This is the beginning of an exciting new stage in the decision-making process. For the initiative committee, this means a new and even more challenging role, as from now on, they will have to interact with authorities, media and critics of their proposal in a more serious way. While most citizens' initiatives (and agenda initiatives)

will now be subject to the legislature (to implement, counter-propose or just debate), verified popular, optional and recall referendums will now, depending on the jurisdiction, qualify for the ballot.

## **Interaction**

The authorities may either implement the proposal as it stands, offer a similar proposal (which may meet central aspects of the citizens' proposal) or even make an alternative or counter proposal. This may trigger a new consideration by the registered initiative committee and they may withdraw their proposal. Occasionally, it is possible for another group of registered electors to offer an alternative proposal.

## **Certification**

After the additional ping-pong of proposals and opinions under the "interaction"-step, it is now up to the specified authority to decide if the citizen triggered initiative/referendum/recall qualifies for a ballot decision. If there is an alternative proposal from the authorities, some countries qualify both proposals while others allow only the alternative one to be voted on.

## **Campaign**

At this stage the citizen-triggered issue has become a public issue. In order to enable free and fair final decisions, a growing number of countries have implemented campaign regulations, governing for instance finances and media coverage. The regulations may also include financial support or/and free air time.

## **Voting**

In many countries voting has become a much longer process than just one day. It may be possible to cast or send ballot weeks before the actual voting day. During the voting phase specific rules may apply, such as a prohibition on publishing opinion polls or even a ban on all campaigning activities.

## **Decision**

The conclusion of a long and hard procedure may be a very happy, unfortunate or even bitter affair. While free and fair majority decisions must be respected, obvious fraud or irregularities must be addressed and be subjected to an appeal procedure. In many

countries the rules of decision-making include specific majority rules (eg double majorities in federal states). For an initiative committee, the publication of the ballot results may mean the very end of their efforts or just the beginning of new ones. This may include the right to restart an initiative on the same or a similar issue (possibly governed by certain time limitations).

## **Conclusion**

Administrative procedures are critical to good practice. The authorities have a role to play at almost every step of the process. This role is often advisory and service-orientated. However, the most important actors remain the initiators of the process. The designers of citizen-triggered direct democracy procedures need to consider the roles of initiators and authorities as well as the legal context.

Citizen-triggered direct democracy procedures can be assessed from at least three different perspectives: the administrators (Electoral Management Body, courts etc), the users (citizen groups) and the designers (politicians, legal experts). Before an idea becomes an initiative and an initiative can qualify for the ballot, a series of preconditions must be met, including (a) basic legal provisions, (b) administrative readiness and the necessary political infrastructure and (c) the ability and freedom for citizens to launch an initiative process.

Citizen-triggered direct democracy procedures are linked with big expectations on the side of the citizens. Careful design and good administrative practice is therefore essential in the development of such procedures, in order to put even a single proposal to the ballot.

# Conclusion

James Ward

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There is as yet no clear consensus on how a British system of Citizens' Initiatives could be implemented. However, as the contributors to this pamphlet have shown, there is a clear need and demand for such a system. We hope that their ideas and proposals will be examined and acted upon in the coming months.

We have Professor Matt Qvortrup's American voting figures, which demonstrate how Citizens' Initiatives in the United States have increased turnout at elections. Couple that with Saira Khan's comments about apathy being a result (and not a cause) of political problems in this country and we can see why Citizens' Initiatives could provide a valuable tool for re-energising public involvement in the democratic process.

Diana Wallis MEP describes the success of the Oneseat campaign to move the permanent seat of EU Government to Brussels. She has figures pointing, again, to the massive potential of Citizens' Initiatives in making politics more accessible. Figures showing little support for the Oneseat campaign here in the United Kingdom are symptomatic, not of the reluctance of the British to take part in 'direct' politics – the success of the 10 Downing Street petition website shows that convincingly not to be the case – but, possibly, to a natural half-heartedness towards all things European. Even taking that into account, a not-unimpressive 15,946 people still signed. The more Euro-active (not necessarily Europhile) nations of Sweden and the Netherlands provided 139,386 and 435,126 signatures respectively.

Petitions are certainly a popular way for people to express their support for (or disapproval of) specific issues. It wouldn't be too much of a leap to turn them into local or even nationwide votes. February's online petition against road-pricing provides an excellent case in point. When it closed, a total of 1,808,425 people had signed it. Of course, petitioning Downing Street is nothing new. Jamie Oliver's campaign to improve the quality of school dinners received huge publicity when it was delivered in 2005.

But since neither of these examples had any formal power, they do

not represent verifiable illustrative examples for the effect of Citizens' Initiatives. In this respect, Matt Qvortrup's article is enlightening. Evidence acquired from studying the 2006 U.S. midterm elections shows, quite simply, that more people vote when they are given more to vote on. He finds that in Presidential election years, the difference in turnout between states that have CIs and those without is only 2%, or 57% to 55%. In non-Presidential election years, however, these percentages become 45% and 34%. Daniel Smith and Caroline Tolbert's *Educated by Initiative: The Effect of Direct Democracy on Citizens and Political Organizations in the American States*, found that each additional initiative on the ballot in a mid-term election can increase turnout by an average of 1.2%.

**“All the available evidence points to the conclusion that people living in countries or states with initiatives are better informed about political issues and vote more often than their counterparts elsewhere.”**

This is not to suggest that supporters of CIs wish to bombard the population with initiative after initiative in order artificially to boost voter engagement. Were initiatives to be introduced in this country, the public would not be inundated with calls to the polling station, since the minimum number of signatures required to trigger a referendum would be reasonably high. To take 10% of eligible voters as an example – as is the case in New Zealand – petitioners would be required to collect nearly four and a half million signatures, although it should be noted that OUR SAY's proposals are for only 2.5% of a local or national electorate to sign. While certainly not easy, even the 10% suggestion would be within reach for petitions on a number of issues.

As the late Cabinet minister Keith Joseph once argued, ‘when you take responsibility away from people, you make them irresponsible’. Is the opposite true? If you give people more responsibility, do they act responsibly or shrink away from it? For two main reasons, the answer is that the public at large revels in responsibility. Firstly, as we have seen, more people vote if there is more to vote on. Secondly, there is little evidence that Citizens' Initiatives lead to irresponsible laws instigated by the general population, whether in the form of badly thought-out or regressive legislation. In fact, the reverse may be true. A Danish referendum was held in 1992 on the Maastricht Treaty, and a representative sample of the population polled at the same time. It was found that the public was better informed about

issues surrounding the referendum than non-expert MPs who were also polled.

One knee-jerk criticism of establishing initiatives is that they are prone to 'rule by tabloid'. However, as Saira Khan's article demonstrates, this fear isn't vindicated by evidence from countries where initiatives are used. More than that, there is no discernible ideological trend to the results of initiatives worldwide. Evidence of this can be found from the 2006 mid-term elections in America. Where Missouri voted in favour of stem cell research, Massachusetts voted against allowing grocery stores and supermarkets to sell wine. In Nevada and Ohio there were two anti-smoking proposals on the ballot, one more severe than the other, but Nevada plumped for the less strict option and Ohio the stricter. Three proposals to raise taxes – including an extra \$2.60 on a packet of cigarettes - were turned down by Californians; and yet two suggestions of tax hikes – both on cigarettes – were accepted in Arizona. The only sign of consistency came from suggestions to raise the minimum wage. In the six states where an increase was proposed – Arizona, Colorado, Missouri, Montana, Nevada and Ohio – it was accepted in all.

All the available evidence points to the conclusion that people living in countries or states with initiatives are better informed about political issues and vote more often than their counterparts elsewhere. Most importantly, they have an effective say in the legislation under which they live. Citizens' Initiatives are in no way an attempt to impose direct democracy, Athens-style, on a populous, diverse and modern country. Representative democracy is the best system for today's democratic states. But there is no good reason why representation shouldn't be topped up with regular doses of directness.

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# Unlock Democracy

Unlock Democracy is the campaign for democratic renewal, organised by Charter88 and the New Politics Network.

For further information please see <http://www.unlockdemocracy.org.uk>

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