



Extracted from *Direct Democracy: The International IDEA Handbook*
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Introduction

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Introduction: direct democracy in political context

Discussions of the use of referendums, citizens' initiatives and recall votes often revolve around two opposing positions. Perhaps oversimplifying, one of these positions can be described as the strict representative approach – that direct voting of any kind undermines the principle of representative democracy and should ideally be avoided. Equally oversimplified, the other position is that of the direct democracy enthusiast – that there are few situations in which the use of the direct vote of the people is not an appropriate way to determine the will of the people. In the practical context which faces participants in democracy building and democratic institutional design, the alleged choice between these two opposing positions is not only restricting and unhelpful – it is fundamentally false. Direct democracy mechanisms and mechanisms of representative democracy can complement and enrich each other rather than being seen as opposed. The varied experience of the use of direct democracy mechanisms that has been gained in many countries and territories around the world provides a richness of knowledge and expertise, the sharing of which can be of great value.

This Handbook considers whether, when and how the use of electoral direct democracy mechanisms is appropriate to enhance democratic systems. By involving voters directly in decision-making processes, does the use of direct democracy increase voter participation? Does allowing voters the opportunity to initiate their own laws, to vote on laws proposed or enacted by others, or to propose and vote on the continuation in office of representatives whom they perceive as unsatisfactory increase their satisfaction that political outcomes more accurately reflect popular preferences? Does direct democracy reduce dissatisfaction with elected representatives? Does the existence of direct democracy mechanisms act as a discipline on the behaviour of elected representatives? Criteria by which the success of direct democracy as a component of a democratic system might be judged include levels of participation and engagement, and levels of satisfaction with the democratic system as a whole. Such judgements can only be made in the context of wider political realities, which differ between countries and localities, and also change over time. The Handbook therefore does not provide clear-cut answers

to the questions asked above. It is intended to provide the background, the information and the tools to enable citizens themselves to debate and evaluate them.

Direct Democracy: The International IDEA Handbook concentrates on the design, implementation and impact of the electoral direct democracy mechanisms, making available, analysing and comparing experiences both in countries which have built these mechanisms into the fabric of their institutions and in countries where they are used much less frequently. It seeks to give an overview of various types of instruments, and looks in particular at the differences between those instruments where an initiative can be taken ‘from below’ and those which are initiated and dominated by governmental authorities. The Handbook does not address wider mechanisms of participatory democracy, or how direct and continuing citizen engagement in the process of government can be encouraged – a much wider question which engages debate about motivation, civic education and about a range of other issues. But in seeking to promote informed consideration and debate on the role of the electoral instruments of direct democracy, it lays a cornerstone for that important broader discussion to take place.

Direct votes are a political tool

As is true of any process of political change, it is a mistake to think of discussion and decisions about the use and the form of direct democracy mechanisms as a purely technical matter, in which best-practice answers can be laid down by lawyers or external technical experts. The political and institutional framework of a country or a municipality is a political decision, in which all citizens have a stake, and in which there are no ‘best answers’ that can be arrived at by independent arbiters.

The legitimacy of the political and institutional framework chosen is linked just as much to ownership of the decision-making process by the people as it is to the actual content of the decision, in which the various stakeholders will have a variety of interests. Some of these interests will appear to be served by the use of direct voting in some form, while others will not; and the approach to discussion and negotiation of the various stakeholders will be strongly coloured by these calculations. (This is of course just as true in relation to any other feature of institutional framework design.) The motivations of the decision makers will thus sometimes be visionary, long-term and altruistic – but may more often be short-term, sectoral, based on partisan advantage, or even venal.

As with design, so with implementation. Proponents of the direct voting mechanism may describe its outcomes as reflections of the will of the people, and they may well be right. But the participants in actual campaigns on referendums, citizens’ initiatives or recall votes are not trying to determine what the will of the people is: they are campaigning to win a victory for their point of view, and will deploy arguments and tactics and use resources in order to do so. The principles of credible and legitimate elections – freedom, fairness, secrecy of the ballot, transparency, accountability and so on – apply just as much to direct democracy electoral processes. The principle of a level playing field for participants is just as valid and important for the conduct of direct

democracy votes as it is for elections, and there are many questions on the detail of design and implementation of the mechanisms which will affect or indeed determine the extent to which a level playing field exists. Who poses the referendum or initiative question and in what terms, when and how an initiative question or a recall vote gets to the ballot, the relationship between whoever calls a referendum vote and whoever poses the question, and the regulations relating to campaign access and finance for all forms of direct votes are among many critical issues discussed in the Handbook.

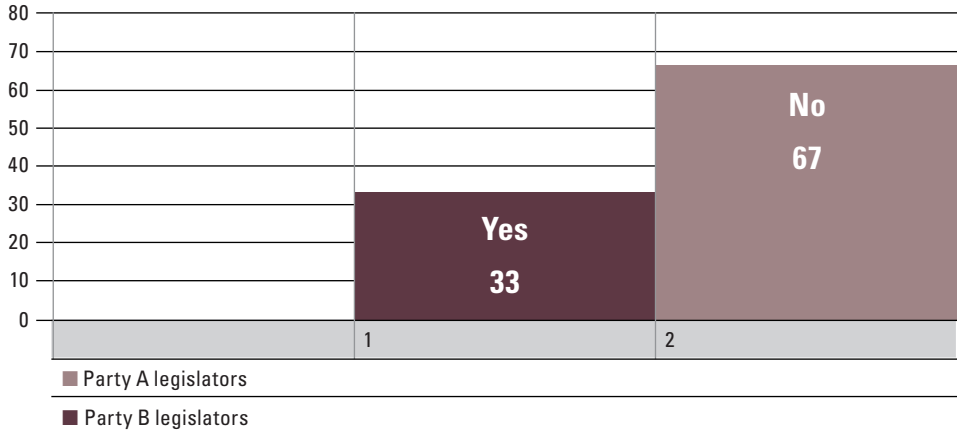
Direct voting frameworks can change political choices

Political institutions matter: the outcome of decision making is dependent on the form of democratic institutions chosen. One of the criticisms often levelled at referendums is that the individual voters do not always vote on the merits of the question on the ballot paper: other issues, for example the general popularity of the incumbent government, may intervene. (Similar criticisms are also sometimes made of the motivation of voters in elections.) But even if every vote cast in a referendum reflected the view of the voter on the question that is posed rather than being influenced by other considerations not directly at issue, the availability of the referendum mechanism may change the decisions that emerge. Even though the views of every citizen remain the same, the decision made with one set of political institutions in place will not be the same as the decision made with another.

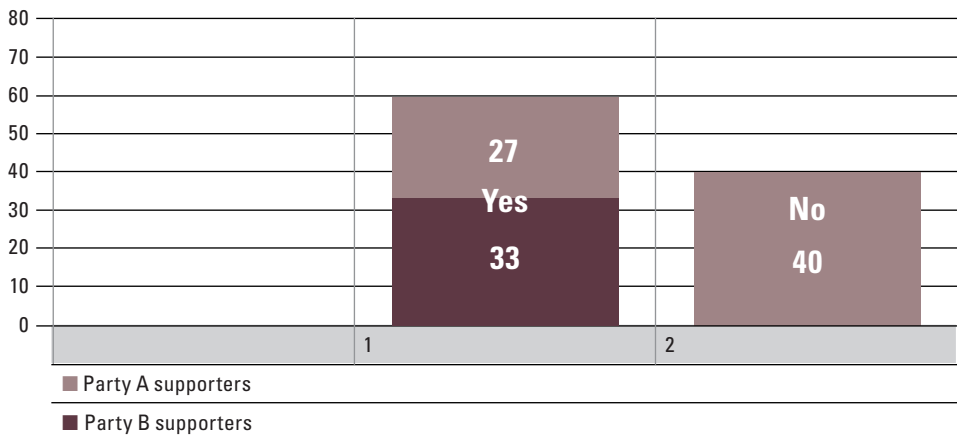
Inspired by the Finnish political scientist Hannu Nurmi, imagine a country in which the legislature is elected by proportional representation and with two political parties. Party A won the last general election with two-thirds of the vote, which remains the division of opinion in the country. The legislature thus has two-thirds of its members from Party A, and one-third from Party B. On a particular issue, however, Party A and its supporters are opposed to a proposal for change by a margin of 60 per cent : 40 per cent, whereas Party B and its supporters are 100 per cent in favour of this change. The figure compares what would happen if the decision were made by the legislature, where the legislators would follow the policy of their party, with what would happen if the decision were made by calling a referendum.

With voters holding and expressing exactly the same views, a proposal which fails by two-thirds in a legislature which fully reflects the preferences of the voters passes by 60 per cent to 40 per cent in a referendum of the same voters. As with political design generally, the outcome can depend on the institutional framework chosen. Institutional framework decisions reflect political choices and affect the political choices that are made.

Decision by Legislature



Decision by Referendum



Effects of this kind do not only exist in the imaginings of political scientists. In Denmark, the Single European Act was passed in a referendum despite majority opposition in the parliament: and in another referendum some years later, the Maastricht Treaty on European integration was defeated despite the support of most of the political forces within the parliament.

Direct votes are a one-way street

There are few, if any, known cases where direct democracy mechanisms, once made part of the political framework, have later been abolished (although there are some

countries where – contrary to the general worldwide trend – the use of referendums has become less frequent over time). This is not surprising: it would clearly be difficult to run a successful political campaign for a position easily portrayed by its opponents as ‘taking the right to their say away from the people’. This means that designers of institutional frameworks, when they choose to include provisions for referendums, citizens’ initiatives, an agenda initiative or recall votes, need to be sure that it is what they want to do: it is unlikely, short of a full revision of the constitution, that direct democracy provisions could be removed from an institutional framework once they were there.

Direct votes can help legitimize decisions – but not always

Even when direct democracy mechanisms are not regularly in use, referendums are often the tool of choice to adopt and legitimize new constitutions and other major institutional reforms. Such referendums may, however, not turn out the way in which politicians and those who conduct political negotiations envisage. The Irish rejection of the Lisbon Treaty on European integration issues in 2008 is just one prominent example.

Direct votes can help end conflict – but not always

Referendums are often proposed as part of a political process of transition after violent conflict, to gain or confirm popular consent for an element of a peace process. This may be a new or revised constitution, as for example in Chile, but need not be restricted to constitutions. It is not just the substance of such a process that matters, but the engagement of stakeholders and the timing and sequencing of the elements of the transition. There are examples where the referendum mechanism is widely acknowledged to have assisted the process, for example in Northern Ireland; but in other cases it has confirmed existing divisions. Even when the referendum leads to political change, its context and environment may produce undesirable side effects – as happened for example in Timor Leste in 1999.

The issues associated with the design and implementation of referendums are perhaps even more sensitive where sovereignty is an issue: there is a long history of referendums and proposals for referendums relating to disputes over territory. Questions over who can vote can be complex, involving geographical issues – where the conflict surrounds a proposal for separation, and whether the electorate be defined by the territory at issue or the whole country of which it is currently part – and sometimes also ethnic issues. The timing of electoral and other events in post-conflict transitions can be critical, and the nature of the choices posed by referendum questions can make the timing of the votes and their sequencing with other transitional events particularly sensitive.

What this Handbook is for

International IDEA is an intergovernmental organization with a single objective to its

work – the strengthening of democratic institutions and processes worldwide. The work of IDEA seeks to achieve this objective through the provision of knowledge resources which can be used by participants in democratic reform processes worldwide, through policy development designed to provoke action and change in democracy building and democracy support policy, and through engagement in selected processes of democratic reform.

This Handbook adds to the range of IDEA knowledge resources on electoral process issues available to participants in democratic reform processes and to policy makers. It does not aim to encourage its users to either choose or reject the inclusion of some form of direct democracy mechanism in their political and institutional framework. Nor does it advocate one specific direct democracy option rather than another. It seeks to look at the many ways in which the views of citizens can be sought through an electoral process, to outline the many different alternatives available to countries and localities which are building or amending their democratic institutions, and to show the political and technical factors which are important in the design and implementation of direct votes. Most importantly, it seeks to do this in the context of the political realities which bear on the process of decision. Its value will be shown as it enables choices to be made through informed debate and discussion.