

Reflections on the future of democracy in Europe

Contributions to The Future of Democracy in Europe Conference
Project on “Making democratic institutions work”
17-19 November 2004
Barcelona

Directorate General of Political Affairs
Council of Europe

French edition:

Réflexions sur l'avenir de la démocratie en Europe

ISBN 92-871-5835-5

The views expressed in this publication are the authors' and do not necessarily reflect those of the Council of Europe.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted, in any form or by any means – whether electronic (CD-ROM, Internet, etc), mechanical, photocopying, recording or otherwise – without the prior permission of the Publishing Division, Directorate of Communication and Research

The Green Paper, *The future of democracy in Europe – trends, analyses and reforms* and *Developing democracy in Europe – an analytical summary of the Council of Europe's acquis* are referred to throughout this publication. They are both available from Council of Europe Publishing.

A reader's guide to the Green Paper reform proposals can be found in the Appendix.

Cover design: Graphic Design Workshop based on a Getty Image picture, Council of Europe

Council of Europe
F-67075 Strasbourg Cedex

ISBN 92-871-5812-6
© Council of Europe, September 2005
Printed at the Council of Europe

CONTENTS

	<i>Page</i>
Part I. Future perspectives	
The chair's conclusions	7
Conference report	
<i>Vivien Lowdnes</i>	11
Part II. Plenary presentations	
Opening addresses	21
<i>Maud de Boer-Buquicchio</i> ,	21
<i>Deputy Secretary General of the Council of Europe</i>	
<i>José Luis Méndez Romeu</i>	25
<i>Estanislao de Grandes Pascual</i>	27
The core principles of European democracy	
<i>Lawrence Pratchett</i>	31
Democratic reforms – <i>Que faire? Où faire?</i>	
<i>Philippe C. Schmitter</i>	37
Curing democracy's ills? Modern technology and democratic procedures	
<i>Alexander H. Trechsel</i>	45
What can the Vep model do for democracy? ... in answer to Alexander Trechsel	
<i>Thomas Zittel</i>	51
The future of democracy	
<i>Giovanni Di Stasi</i>	57
<i>Que faire? Où faire? Avec qui le faire?</i> – a reaction	
<i>Annelise Oeschger</i>	63
E-voting in Switzerland	
<i>Robert Hensler</i>	69
A prospective view of the political-economic implications of e-democracy	
<i>Dimitris Kyriakou</i>	73
The Cairns Project – an introduction	
<i>Beth Simone Noveck and Marianne Law</i>	77

Part III. Workshop reports and presentations

Workshop 1: Democratic institutions and political parties – governance and decision making	
<i>Ingrid van Biezen</i>	83
Delegation, insulation and democratic politics	
<i>Dario Castiglione</i>	89
Regional democratic development – experiences from the Baltic Sea region	
<i>Bjarke W. Bøtcher</i>	95
Workshop 2: Citizenship and participation	
<i>Cecilia Eriksson</i>	99
Swedish democracy policy – strategy for safeguarding and deepening democracy	
<i>Marcus Bengtsson</i>	103
Citizenship and democracy	
<i>Greta Billing</i>	107
Workshop 3: Elections and mechanisms of deliberation	
<i>Vivien Lowndes</i>	111
E-voting – worldwide developments, opportunities, risks and challenges	
<i>Nadja Braun</i>	115
E-democracy – from theory to practice	
<i>Vassilis Goulandris</i>	121
Initiatives and referendums – bringing in the people	
<i>Bruno Kaufmann</i>	127
Appendix	
Reader’s guide to reform proposals	139

PART I. FUTURE PERSPECTIVES

THE CHAIR'S CONCLUSIONS

The conference on The Future of Democracy in Europe, held in Barcelona from 17 to 19 November 2004, brought together parliamentarians, senior civil servants, expert academics and representative from civil society. We have discussed the challenges and opportunities facing democracy at the present time, as well as proposals for future reforms. It is these future possibilities that I will now concentrate upon.

We have undertaken a review of the *acquis* of the Council of Europe in the field of democracy and agreed that this constitutes a firm basis for future developments. We have analysed the work of the integrated project on “Making democratic institutions work” and focused specifically upon the proposals in the Green Paper, *The future of democracy in Europe – trends, analyses and reforms*,¹ presented to this conference.

The conference has agreed that democracy is a not an end-state but an objective. Democracy is always incomplete and always changing. Our challenge is to maintain but also to re-create our democratic ways of working, in order that they may be adapted to changing political, social and economic contexts. Democratic reforms must take into account the new realities of the information society. All new developments need to express the Council’s firm commitment to improve gender balance and extend the involvement of young people in political life. We must address these challenges in a way that builds upon the fundamental values of the Council of Europe but also reflects the diverse traditions and aspirations of the forty-six member states.

The main conclusion of the conference is that the Council of Europe should establish a forum for the future of democracy to build further the *acquis* and take forward the work of the integrated project. This body would harness the momentum established at the Barcelona Conference. It would develop systematically the conceptual and practical resources generated through the integrated project and the Green Paper.

The purpose of the proposed forum is to exchange ideas and information about the development of democracy in member states. Its task would be to identify and evaluate significant innovations, to develop standards for innovative democratic practice and to disseminate learning among member states. The forum would build upon the working practices pioneered in the integrated project. It would take an inclusive, transversal and multi-disciplinary approach. The forum would bring together representatives from Council of Europe member states, the Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of

1. Strasbourg: Council of Europe Publishing, 2004.

Europe, civil society and expert academics. The conference recommends that consideration be given to this proposal in the preparatory process for the 3rd Summit of Heads of State and Government of the Council of Europe (Warsaw, May 2005).

The conference has discussed a broad range of democratic innovations – some more radical than others. It is important here to specify those issues that have received the most support and attention. These issues should constitute the initial focus for the proposed forum.

Electoral systems

First, consideration should be given to the reform of electoral systems with the purpose of increasing turnout but also enhancing inclusion. The development of remote forms of voting – by post and by electronic means – is a priority. It is important to emphasise that new voting forms should not replace traditional methods but be developed in the context of a “multi-channel” approach. Further work should be done on the feasibility and implications of including an option for “none of the above” (NOTA) on ballot forms. The aim here is to stimulate the engagement of those citizens who do not wish to express support for existing candidates or parties. Attention should also be given to providing voting rights for denizens – or legally resident foreigners – starting at the local level and scaling up. Versions of these electoral innovations are already happening within certain member states, and the forum will specify and evaluate models.

Political parties

The second area of priority concerns innovation in the role and practice of political parties, which remain the crucial representative and intermediary bodies between citizens and rulers. The forum should focus upon new ideas and practices on the financing of political parties and their internal democratic functioning. The Green Paper authors commend for further investigation its proposals concerning vouchers for the funding of parties and experiments with shared mandates among representatives. These are proposals with the potential to link improvements in party functioning with increased citizen interest, involvement and inclusion.

Citizen participation

This point leads to the third priority area, which concerns perhaps the most important element of democracy: citizen participation. There was considerable support from the conference for the further development of innovations in direct democracy, notably referendums and popular initiatives. The proposed forum should produce guidelines in this area, which specify both the scope and limitations of direct democracy and identify examples of best practice and appropriate benchmarks. Discussion at the conference reflected a firm commitment to the importance of citizenship education. The conference offers its enthusiastic support to the European Year for Citizenship through Education organised by the Council of Europe in 2005. Our deliberations also emphasised the importance of education through

active experience in democratic practice and governance – for instance within schools – as a complement to pedagogical elements. Developments in this area should build upon existing legal instruments that seek to enhance the involvement of both young people and foreigners in public life.

An important theme has been the democratic potential of the information society. The Council of Europe already has a recommendation on e-voting and anticipates the adoption of a recommendation on e-governance. The challenge now is to investigate systematically the ways in which new technologies can enable democratic reform. This would be a key objective of the proposed forum on the future of democracy, in association with the new Council of Europe project on “Good governance in the information society”.

CONFERENCE REPORT

VIVIEN LOWNDES, *rapporteur*
De Montfort University
United Kingdom

Marking the end of the Council of Europe's integrated project on "Making democratic institutions work", the conference on The Future of Democracy in Europe debated the challenges and opportunities facing democracy. Two key outputs from the integrated project received particular attention: *Developing democracy in Europe – an analytical summary of the Council's of Europe's acquis* and *The future of democracy in Europe – trends, analyses and reforms* (the Green Paper), which discusses trends and proposes reforms. The main arguments of these documents were set out in two of the keynote addresses, those of Dr Lawrence Pratchett and Professor Philippe Schmitter respectively.

The conference agreed that the *acquis* constitutes a firm basis for future developments. The documents and instruments of the Council of Europe establish and elaborate the core principles of European democracy, which include representation, participation, accountability and subsidiarity. They also reveal internal tensions within the democratic project, such as the relationship between representative and participatory democracy, and external challenges, such as globalisation.

Workshops were convened to discuss the twenty-eight democratic reform proposals in the Green Paper (see the readers' guide to reform proposals in the Appendix). Proposals were grouped in relation to three themes: democratic institutions and political parties; citizenship and participation; and elections and mechanisms of deliberation. Members of the high level group which produced the paper explained the reforms to participants, who debated prospects for their practical application within different member states, and at different levels of governance. (For reports from the workshop rapporteurs, see Part III). Additional plenary sessions focused on e-governance and e-democracy, including remote voting by electronic and other means.

Taking an over-arching approach, this report summarises the key areas of debate and the main points of agreement to emerge at the conference. These points are elaborated in the formal statement of conclusions from the conference chair (see p. 7). Matters of detail regarding specific democratic trends and reforms are dealt with in the published documents referred to above.

Democratic dilemmas

The conference discussed the current dilemmas faced by democratic systems and processes in Europe. These are common tensions, experienced (albeit in different ways) in established democracies and the newer democracies of Central and Eastern Europe. The dilemmas can be summarised in what follows.

Democracy triumphs ... democracy withers ...

More Europeans than ever before live in democratic systems and subscribe to democratic values. At the same time there is a sense that democracy has lost its vibrancy as a political system and is lacking in its capacity to mobilise citizens and hold representatives to account.

Popular control ... citizen disengagement ...

Such a loss of vibrancy is best illustrated by declining electoral turnouts across Europe, even within newly established democracies. Democracy promises popular control and yet citizens appear increasingly disengaged – less trustful of political institutions, less willing to join political parties and less keen to stand for public office.

Political equality ... political exclusion ...

Democracy aspires not just to popular control but also to political equality. Yet there is evidence that foreigners, minorities, women and young people all experience exclusion from democratic systems – whether through overt or more subtle means.

Institutional dynamism ... institutional inertia ...

Institutional variety flourishes across Europe, with different democratic systems shaped by unique historical, geographical and socio-economic contexts. At the same time there is evidence of a deep institutional conservatism that militates against radical reform and works to consolidate vested interests.

Voices from the conference

In addressing the challenges that confront democracy in Europe, a major strength of the integrated project was its transversal and multi-disciplinary way of working. The integrated project brought together parliamentarians, civil servants, expert academics, and representatives from local and regional government and civil society. The Barcelona Conference mirrored this approach, with the debate reflecting many different voices – from different stakeholders, operating at different levels of governance, within different member states.

Here we can illustrate the richness of that conversation by using quotations from participants to establish and reflect upon key themes.

“Debate is the true essence of democracy”

In this statement, Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, emphasised the importance of debate to any democratic reform process. As Philippe Schmitter pointed out in his keynote address, democracy is about more than “counting noses”. Numerical means of aggregating preferences, through elections and referendums, are important, but democratic reforms should also take account of the potential of negotiative and deliberative devices. Negotiative processes bring together citizens with different preferences, or more usually their representatives, to arrive at a binding collective decision by consensus. But it is through deliberative processes that preferences themselves are modified and shared solutions arrived at. Enabling debate both within and about democratic practice is therefore fundamental to the process of democratic reform.

“Democracy is not a static concept; its practical application depends upon a broad range of factors specific to each country”

Here Ambassador Estanislao de Grandes Pascual, underlined the different trajectories taken by democratic systems within Europe. It was observed many times during the conference that democracy is not an end-state but an objective: democracy is always incomplete and always changing. Democratic principles and practices must be continually re-created and re-enacted in order that they may be adapted to changing political, social and economic contexts. For the Council of Europe the challenge is to guide processes of democratic reform in such a way as to build upon fundamental values (as expressed in the *acquis*) while also expressing the diverse traditions and aspirations of forty-six member states.

“Democracy will encounter resistance”

In this observation, Ms de Boer-Buquicchio emphasised that democratic reform will always be contested, challenging as it does vested interests in the name of extending popular control and political equality. The importance of building broad coalitions of support for democratic reform was emphasised by Annelise Oeschger, chair of the Council of Europe’s NGO Conference. She added a third question to those posed by Philippe Schmitter in his keynote address, asking: *Que faire? Où faire? Avec qui le faire?* An inclusive approach to democratic reform is more likely to yield innovative solutions, build a sense of popular ownership and engender smooth implementation.

“New technologies contribute to building the connective tissue that is the base of democracy”

Here Beth Noveck, professor at the New York Law School, highlights the potential role of new technologies in enhancing democratic relationships. Like other contributors to the round table on e-democracy, she was at pains to stress that new technology is not a quick fix for current democratic ills. New technologies have both positive and negative implications, depending upon their application. As Giovanni Di Stasi, President of the Congress of Local and Regional Authorities of the Council of Europe, noted in discussion: “The technical problems are less than the

political ones: the people should want to take part". The new technologies can enable democratic practice but they are not in themselves carriers of democratic values or relationships. There must be clarity about what it is that new technological applications are seeking to achieve. By looking anew at the technologies through which democratic practice takes place, it is possible to "surface" values that are usually hidden – and open these up to debate. E-voting, for instance, will not solve problems of voter turnout; rather, it will reduce the transaction costs for those already motivated to take part, and who have access to appropriate facilities. More importantly, perhaps, experimentation with e-voting highlights the potential of multi-channel approaches (that use a repertoire of different voting methods to suit different citizens), while also stimulating fresh interest in "old" issues such as secrecy and equality. In contrast, the Cairns project presented by Beth Noveck puts the spotlight on how citizens are mobilised through issue-based group activity, and how such engagement can be supported through new technology. As Professor Alexander Trechsel, another keynote speaker, explained, the e-democracy debate is important in identifying and elaborating diverse elements of reform. It is not about prescribing specific sequences of technological or institutional development.

"There is a vacuum waiting to be filled by a value-based approach"

Here Kimmo Aulake, chair of the Council of Europe's Group of Specialists on E-governance, emphasised the importance of a value-based approach to e-governance. In concluding the round table discussion, he argued that the importance of the new technologies lies in establishing "a new frontier where democracy and democratic practice are being re-created". It is in this context that the Council's new instruments on e-voting and e-governance should be interpreted. Traditionally associated with a value-based approach, the Council of Europe has an important role to play in exploring and extending what Mr Aulake referred to as "the democratic potential of the information society".

"We can't change citizens but we can change the arenas in which they operate"

Taking his quotation from James Madison, Philippe Schmitter reminded participants that we cannot simply exhort the people of Europe to be more democratic. Where citizens display a lack of interest or commitment to democracy, it is unlikely to stem from absent mindedness or apathy. Citizens' behaviour and attitudes are shaped within complex political and socio-economic environments. But, while citizens will form their own preferences and decide upon their own courses of behaviour, it is possible to design democratic institutions in such a way as to give expression to specific values and incentivise particular actions. This is why innovative but pragmatic thinking about the practical organisation of democracy is so important. It is at this level that the Council of Europe can influence the environments within which citizens take their stance towards democracy.

Securing institutional change

The Council of Europe is not responsible for democracy in its member states but it can shape democratic practice. From its formal accession and monitoring

regimes to its sponsoring and dissemination of good practice, the Council sets standards and recommends institutional routes whereby they might be achieved.

Discussion at the conference underlined the limits of what can be called “intentional institutional design”. There was scepticism among some participants about many of the more radical or unorthodox reforms proposed in the Green Paper. An early contributor described them as science fiction. The importance of national context was underlined as a key constraint, through objective factors (such as the penetration of the Internet, or the density of civil society organisations) and also subjective elements (including local political cultures and traditional party relationships). The challenge to established power relationships was also viewed as an obstacle to democratic reform.

For the Council of Europe to be successful in securing democratic reform, these constraints need to be turned into resources. To take a phrase from the political scientist Bob Goodin, the aim should be “designing schemes for designing institutions”, rather than the direct design of any particular blueprint. Democratic reform needs to be a partnership between the Council and its forty-six member states that establishes frameworks within which specific local resources can be put to work. As Mr Severin from the Parliamentary Assembly explained, the challenge is to “use local traditions and national raw materials in such a way as to make universal values more vibrant and not less substantial”.

Those reforms taken forward from the Green Paper need to meet twin criteria of robustness and revisability:

Robustness requires that the underlying values are clear and that there exist effective mechanisms for the enforcement of new institutional arrangements. Enforcement can be achieved not just through the threat of sanctions but also through the appeal of persuasive discourses. It must be clear why reforms are necessary or desirable – and stakeholders need to be convinced of the case for change.

Revisability requires that proposals for democratic reform are flexible – to allow for adaptation over time and “learning by doing”. The sequencing over time of different elements of democratic reform will vary from country to country. Too rigid an interpretation of the concept of best practice is dangerous, given the specificities of local contexts. Experimentation with different variants of a reform proposal is important not just to ensure compatibility with local or national environments, but also to ensure a capacity for innovation and learning within individual democracies and across the European democratic space.

In sum, it was the feeling of the conference that *convergence* should be sought in relation to underlying democratic values and effective systems of enforcement. At the same time, *divergence* should be welcomed – even encouraged – in relation to specific institutional forms and processes.

Priorities for action

There was agreement that the Council of Europe should establish some kind of agent for the promotion of democratic reform (No. 28 in the Green Paper). In the

chair's conclusions this is referred to as "a forum for the future of democracy". This body would harness and take forward the momentum established at the Barcelona Conference. It would develop systematically the conceptual and practical resources generated through the integrated project and the Green Paper.

The purpose of the proposed forum would be to exchange ideas and information about the development of democracy in member states. Its task would be to identify and evaluate significant innovations, to develop standards for innovative democratic practice and to disseminate learning among member states. The forum would build upon the working practices pioneered in the integrated project. It would take an inclusive, transversal and multi-disciplinary approach. The forum would bring together representatives from Council of Europe member states, the Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe, the Council of Europe's INGO Conference, civil society and expert academics.

Given the conference's focus upon the information society, it was agreed that the forum should investigate systematically the ways in which new technologies can enable democratic reform. The forum would build upon the Council of Europe's new recommendations on e-voting and e-governance, while also developing a broader perspective on e-democracy, in association with the new project "Good governance in the information society".

Considering the workshop outcomes, there was little enthusiasm for the most radical, or unusual, reforms proposed in the Green Paper – such as universal citizenship (No. 1) or lotteries for electors (No. 3). The reforms that excited more interest were those that built upon practices that already existed somewhere within Council of Europe member states, but sought to develop and combine these in new ways, often at new levels of governance or in the service of new groups of political actors.

The conference accorded priority to democratic reforms in the following areas, which could form the basis of a work-plan for the proposed forum.

Electoral processes: enhancing turnout and inclusion

Among the Green Paper reforms, there was most interest in those that directly addressed the challenge of enhancing turnout and tackling political exclusion. Developing practice and standards in relation to remote voting was considered a priority (No. 27). E-voting was seen to have an important potential role, but within the context of a multi-channel approach that retained traditional methods and experimented with a range of new methods (such as postal, digital TV, telephone). There was also interest in investigating the feasibility and implications of including an option for "none of the above" (NOTA) on ballot forms to enable those who do not support existing candidates to record a vote (No. 2). Another proposed reform that aroused significant interest concerned voting rights for denizens, meaning legally resident foreigners who are not accorded full citizenship rights, which already exist in some countries, usually at the local level (No. 9). Learning needs to be shared between member states and the possibility of scaling up to a regional and/or national level investigated.

Parties: promoting fairer funding and internal democracy

There was agreement that the cost of politics is spiralling out of control and that practices of illicit financing are undermining the legitimacy of political parties and politicians. There was some support for the Green Paper idea of introducing vouchers for financing political parties and election campaigns, by which the responsibility for the allocation of public funds would shift from the state towards citizens (No. 23). Beyond the electoral arena, there was concern regarding the quality of intra-party democracy, but less consensus regarding strategies for reform (No. 21). There was some support for further investigation into the contribution that could be played by primaries (for internal party offices and candidates for public office).

Citizen involvement: supporting civic education and direct democracy

There was considerable support from the conference for the further development of innovations in direct democracy, notably referendums and popular initiatives (No. 24). This is an arena in which the proposed forum could produce guidelines, with the aim of clarifying the scope and limitations of different mechanisms. New technology could also play an important role in supporting direct democracy, through online deliberation for instance (No. 26). Discussion at the conference reflected a firm commitment to the importance of citizenship education (and support for the European Year for Citizenship through Education organised by the Council of Europe in 2005). There was particular interest in education through active experience in democratic practice and governance – for instance within schools – as a complement to pedagogical elements (No. 11). There was some interest also in new forms of civic service (No. 10), citizenship mentors (No. 7) and in experiments with participatory budgeting (No. 18). Across all these areas, it was agreed that the new forum should seek to promote gender balance and further the inclusion of young people and foreigners in public life, thus building on important aspects of the *acquis*.

The conference expressed a positive perspective on the future of democracy in Europe. There was agreement that democracy is not an end-state but an objective. Democratic practice needs to be continually reviewed and re-created in order that it may address new external challenges and overcome those tensions that emerge internally. The work of the Council of Europe, including the Green Paper, was considered of paramount importance to the project of democratic renewal. It was agreed that reforms must be robust but also revisable. They should express the fundamental values of the *acquis* while also allowing for sufficient institutional variety to secure citizen commitment within diverse European contexts. The conference expressed its concern that the “Barcelona momentum” be maintained in the months to come. The conference recommended that consideration be given to the proposal to establish a forum for the future of democracy within the preparatory process for the 3rd Summit of Heads of State and Government of the Council of Europe (Warsaw, May 2005).

PART II. PLENARY PRESENTATIONS

OPENING ADDRESSES

*“... democracy needs to run faster than the world
around it in order to remain in place.”*

MAUD DE BOER-BUQUICCHIO

Deputy Secretary General of the Council of Europe

When the word politics is pronounced, it is all too easy to conjure the image of grey men in grey suits confronting each other under the eye of the television camera. For the more enlightened, it might be a debate between two impassioned speakers, the remarkable fall of the Berlin Wall or still-pictures of long, winding lines of voters.

Democracy is similarly associated with a variety of forms. In Monaco, the Council of Europe's latest member state, the government is appointed regardless of the majority of the elected National Council – an institutional set up conducive to a lively political debate and a clear separation of powers between the executive and the legislative. Democracy can exist within a monarchy or a republic, in a centralised or a federal state; it can be parliamentary or presidential, representative or direct, or anything in between.

The institutional forms of democracy may be different but its common themes remain. Democracy adapts to changing geopolitical, economic and cultural realities and to the shifting expectations of citizens. The ultimate tribute to democracy is that it has never been so widespread or so irreversibly grounded in people's minds. Ever since Spinoza's seventeenth-century theory on liberal democracy and the freedom of conscience, the idea that human beings need a democratic and free society in order to realise their potential has gained stronger endorsement.

Over the past decades, there has been pressure on European democracies to become more inclusive, transparent, pluralistic and participatory. The institution of the ombudsperson has rapidly gained ground, countering technocratic trends in our democracies, because it introduces citizens' and parliamentary control over public administration. The rights of minorities too have become embedded in the democratic process. The recent move towards e-democracy at all levels of governance has been motivated by the desire to increase the transparency and popular appeal of politics. It is still an open question, however, as to what extent these developments have made democratic institutions more accountable and responsive to citizens.

Paradoxically, the strong support for democracy among Europeans is mirrored by a sense of dissatisfaction, discontent and cynicism towards politics and its central figures found in governments, political parties and the governing establishments.

These attitudes have complex causes and multiple expressions ranging from electoral abstention to support for extremist and anti-democratic movements.

Civil society and in particular organised civil society is transforming. Membership of trade unions, political parties and voluntary associations is falling sharply, while simultaneously, the advocacy activities and professionalisation of non-governmental organisations (NGOs) increase, as does their dependence on public funds.

Socio-cultural trends towards individualism and consumerism lead citizens' further away, it seems, from the exercise of civic responsibilities. However, those trends are not the only ones to blame for the disconnection between citizens and democratic institutions. Political parties, parliaments, local authorities, and governments are, on the whole, all too distant and even disengaged from their social basis.

Many learned observers worry that such trends may threaten the legitimacy of democratic governments and point out, as has the Parliamentary Assembly of the Council of Europe, that democracy is in a dangerous crisis. Indeed, over the long term, the very foundation of democracy – the permanent control of democratic institutions by citizens and these institutions' responsiveness to citizens' needs and concerns – may be eroding. If we do not react, we may witness the gradual sliding of democracy towards an oligarchy composed of institutions such as the public administration, the legal system, the police, the army, and a multitude of regulatory agencies operating without democratic control and accountability.

The Council of Europe is not the only organisation to raise a warning cry. However, as Europe's "home of democracy", enjoying a privileged relationship with governments, representative institutions, and civil society, the Council of Europe is well placed to stimulate a continent-wide debate on our democratic future.

In addressing these concerns, the Green Paper on *The future of democracy in Europe* is the culmination of a three-year study of the Council of Europe's past and present action in the field of democratic development and consolidation, and of the responses member states are formulating to democratic challenges. It is the fruit of a very productive and inspiring collaboration between the Council of Europe's institutions and outstanding members of the academic community.

The Green Paper is a thought-provoking and sometimes provocative document. It analyses frankly and rigorously the challenges and opportunities for democratic development and seeks to provide pointers to the future. Some readers of the democratic reforms put forward in the Green Paper may find common cause with the proposals. Others will no doubt raise eyebrows at the ambition of some of the ideas proclaimed but no one can remain indifferent to the discussion we wish to promote. Debate is the true essence of democracy and I am confident that this Green Paper will prove an excellent basis for the work of this conference.

An enhanced culture of citizenship is the life-blood of democracy. Free and fair elections, freedom of expression, free media, the separation and balance of

powers, the sovereignty of the people, and the accountability of the rulers are democracy's oxygen and the fundamental prerequisites of fair governance.

When these basic features of democracy are more or less firmly in place, the quality of democracy, that is the inclusiveness of the democratic debate, the effectiveness of policy making, and institutions' responsiveness to citizens' concerns, has risen to the summit of the public agenda. The Green Paper suggests opportunities to raise and consolidate the quality of democracy as a guarantee of its sustainability. As the Green Paper argues, the future of democracy in Europe lies less in fortifying and perpetuating existing formal institutions and informal practices than in adapting them to a changing context.

Like the Queen of Hearts in *Alice-in-Wonderland*, democracy needs to run faster than the world around it in order to remain in place. By keeping the spirit of democracy alive, we create the fundamental conditions for peace, stability and prosperity for 800 million Europeans.

Change is the key feature of the world we live in: globalisation, cultural diversification, technological innovation, demographic shifts and multi-level governance affect profoundly the action of public authorities. These forces and the changes they herald carry both a potential for distorting democracy, as well as opportunities for reinventing it. Democracy will never be perfect because it will always remain embedded in an imperfect, contradictory and changing environment. But democracy should always strive to become better while preserving its fundamental purpose, its principles and its safeguards.

Modernisation is necessary but democratic reform needs to be implemented within the boundaries of existing legal and ethical norms. Human rights are the ultimate frontier of democracy, setting the limit to what a democratic regime may do. That is why the Council of Europe pursues with vigour and determination its mission to ensure the protection and respect for human rights – in Europe and beyond.

Reforming democratic institutions will face resistance by entrenched interests; it will be time-consuming and at times frustrating. You, the participants in this conference represent political parties, governments, parliaments and local authorities, civil society associations, and academia. Your presence here reveals that you share similar concerns, a belief in the force of dialogue, and a readiness to take action to ensure a democratic future for all. I invite you to take the conclusions of this conference back to your respective organisations and institutions and pursue the debate on democratic reforms at other local, national and international forums. For my part, I will carry the message of this conference back to the Council of Europe and particularly to the preparatory process for the 3rd Summit of Heads of State and Government to be held in Warsaw next May. I hope that the Parliamentary Assembly will also take the results of this conference into account while preparing its contribution to the summit. At this point I would like to thank warmly the Spanish authorities and the Regional Government of Catalonia for the invitation and for their generous hospitality.

Democracy in Europe will thrive, on the undertaking that its future forms remain faithful to its principles. For the future generations, democracy may evoke images of children sending e-mail messages to MPs, of local politicians using a “yellow card” to defend the principle of local autonomy, or of a citizens’ assembly deliberating on latest bills passed by the Parliament.

Whatever the image of democracy, its substance is real to the 800 million citizens of our continent. Today and for the future let us rededicate ourselves to the task of ensuring that whenever and wherever democracy gains a foothold, we will be present to lend a hand.

“... high-quality democracy ... demands high-quality representation, combined with genuine participation.”

JOSÉ LUIS MÉNDEZ ROMEU
*State secretary for territorial co-operation
Ministry for Public Administration
Spain*

Western society is characterised by a great ability to put right the contradictions and shortcomings that arise from the frenetic pace of social, economic and cultural changes. The speed of these changes means that people often tend to idealise “the good old days” or history, forgetting that they can never derive an absolute benefit from the latter: all progress involves some sacrifices or losses, but is regarded on the whole as being positive for the human condition in the context of our civilisation.

The same is true of our perception of democracy. There is constant talk of institutional crisis and lack of public interest in politics and public affairs. Yet this perception may be distorted by the whirlwind of changes of all kinds in which we are caught up, and it could almost be said that interest in politics and public participation are not in the process of disappearing but are actually changing. We are in the very midst of a phase of transformation.

There is clear evidence that, whenever powerful interests come into play, people are still quick to respond – just think of the lively public reactions to the Iraq conflict – and even actually participate more actively in electoral processes. Moreover, the great social, economic and technological changes not only pose new challenges but also bring new opportunities for democracy.

Be that as it may, the relevant changes do not come about of their own volition, but are the product of human action. If we want to master them, we must properly understand and analyse the actual situation and then take conscious and purposeful political action.

At the same time, we are increasingly demanding high-quality democracy, which, in turn, demands high-quality representation, combined with genuine participation. However strange it may seem, it is difficult to overcome the various prejudices and commonplaces here: direct and indirect or representative democracy are not mutually exclusive or opposites but are complementary and mutually reinforcing elements in a single democratic system. In practice, high-quality representation is possible only if civil society is dynamic and well structured and is based on a dense network of non-governmental organisations of all kinds which form the breeding ground of participation and social commitment, or the essential training ground for tomorrow’s political leaders. Without a participatory society, quality representation is not possible. And the relationship between representative and direct democracy needs to be constantly addressed.

This conference on The Future of Democracy in Europe is an excellent opportunity for tackling these issues. It is the result of lengthy analysis and many

discussions conducted under the Council of Europe's integrated project on "Making democratic institutions work", and ties in with the relevant Green Paper. I should like to stress the key role which the Council of Europe plays here, given its commitment to democratic values and its leading position as an organisation covering almost all the countries in Europe, in which the representatives and experts from our Ministry for Public Administration are particularly active.

We must therefore commend the efforts made by the Council of Europe to encourage analyses and political reforms to strengthen and vitalise democratic institutions and broaden the scope of public participation.

The choice of Spain and Barcelona in particular as the venue for this international conference gives us great satisfaction. The choice is all the more appropriate since our municipal authorities, which enjoy a high degree of self-government, offer many examples of best practice, as well as extensive experience in the field of public participation. We have been devoting particular attention to this issue for several years now and have introduced various reforms under the legislation on local government. They are modelled on the Council of Europe recommendation on the participation of citizens in local public life, which is actually specifically mentioned in our legislation. Spain has been a pioneer in this area in Europe, wishing to innovate and broaden the scope for action by citizens.

I should also like to underline the efforts and generosity of the Catalan Government and the Patronat Català Pro Europa who organised the conference. Barcelona has always been very European and is also one of the most innovative cities in the field of local government and citizen participation in local public life. It is actually one of the driving forces of the municipal movement in Spain and Europe, which is why it is no surprise that it was recently chosen as the headquarters for the global local government organisation, United Cities and Local Governments.

European innovation in democratic institutions against the backdrop of an innovative country and city – that is an ideal setting for this conference to achieve its full potential. The Ministry for Public Administration will pay particular attention to the discussions and outcomes of this international conference. Our government is fully aware that, behind the dynamics of this process, is the public, who is highly mobilised and shows great civic commitment. While that is very positive, it also places us under an obligation to make a commitment to the public and the values of democracy and participation.

“Democracy is not a static concept.”

ESTANISLAO DE GRANDES PASCUAL
*Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Spain to the Council of Europe*

Democracy, human rights and the rule of law – these are the three pillars on which the Council of Europe is built and the starting point of the work carried out jointly by the forty-six member states of the Organisation.

The purpose of the Barcelona Conference on The Future of Democracy in Europe is to examine one of these pillars. We shall be taking stock of the work that has been undertaken in the field of democracy by the different bodies of the Council of Europe, through its intergovernmental work, its Parliamentary Assembly and its Congress of Local and Regional Authorities of the Council of Europe. I should also like to mention the more than 400 international non-governmental organisations enjoying participatory status with the Council of Europe. They provide a very relevant and authentic contribution from civil society to the work of our Organisation.

Democracy is not a static concept. Its practical application depends on a broad range of factors that are specific to each country. The *acquis* of the Council of Europe in the field of democracy and the way this *acquis* is being developed are a reflection of this. Other speakers during this conference will be discussing the Council’s *acquis* in this field in much more detail. The debate will however not be limited to what the Council of Europe is doing – it will reach beyond the confines of Europe. We shall consider trends and challenges to democracy in other regions of the world and we shall discuss proposals and concrete examples of efforts by many different stakeholders to reinforce democratic practice and modernise democratic institutions.

I will limit myself to mentioning only a few examples of instruments developed in the Council over the last three years. These examples highlight areas in which deficits in democratic practice have been identified and where new guidelines had to be developed or existing ones adapted to changing circumstances.

In 2002, a Council of Europe working group drafted “The fundamental principles on the status of non-governmental organisations in Europe”, providing important guidance to both NGOs and public authorities in our member states. In 2003, the Committee of Ministers adopted a recommendation on common rules against corruption in the funding of political parties and electoral campaigns. This instrument provides for the monitoring of its implementation by GRECO, the Group of States against Corruption. In the same year, work was started on a Council of Europe convention based upon the Committee of Ministers’ recommendation on access to official documents.

In May 2004, we adopted a Declaration on the Code of Good Practice in Electoral Matters. This code, prepared by the Venice Commission, reflects the principles of

Europe's electoral heritage. It is a reference document for the Council of Europe, and will serve as a basis for any further development of the legal framework for democratic elections in Europe.

The Council of Europe continues to be involved in the preparation of the second phase of the United Nations World Summit on the Information Society, which will take place in Tunis in November 2005. The Council's contribution will focus on the question of how human rights and their protection can be affected by the use of new information and communication technologies. The impact of these new technologies on democratic practice is the subject of the recently adopted Committee of Ministers recommendation on legal, operational and technical standards for e-voting. This recommendation is the first legal instrument ever adopted in this very novel field. We also expect to adopt a recommendation on e-governance before the end of this year.

And finally, we are currently discussing a draft recommendation on the participation of young people in local and regional life.

The Committee of Ministers is also committed to stepping up the ways in which it monitors the honouring of commitments of member states. Last month the Committee of Ministers adopted a revised monitoring procedure. This new procedure will ensure more concrete follow-up, focus more on co-operation and assistance programmes, and on readjusting intergovernmental work.

Democracy is a very broad topic. Most sectors of the Council of Europe have made substantial contributions to this field. The wealth and sheer volume of legal instruments and practical tools emanating from these contributions has not made it an easy task to identify the key principles that should govern the functioning of democratic institutions, civil society participation, and fair and inclusive electoral systems.

It is against this background that the three-year project "Making democratic institutions work" was set up in 2002. The project's aim has been to pool resources and expertise around the theme of democracy and its many aspects. To ensure a far-reaching impact, the project had concentrated on presenting a comprehensive, rather than strictly sectoral, picture of the Council's achievements in developing democratic practice.

The Committee of Ministers welcomes the further development of transversal working methods within the Organisation. Starting in 2005, a new inter-disciplinary project "Good governance in the information society" will focus on applying instruments relevant to developing democratic practice, using information and communication technologies.

In 2004, the Secretary General of the Council of Europe transmitted *Developing democracy in Europe: an analytical summary of the Council of Europe's acquis* and the Green Paper, *The future of democracy in Europe: trends, analyses and reforms*, to the diplomatic representations of all member states. We now look for-

ward to the conclusions which you will reach at this conference – conclusions which we will consider with utmost attention as part of our joint effort to ensure that the Council of Europe will continue to make a relevant contribution to the development of democracy for more than 800 million Europeans.

THE CORE PRINCIPLES OF EUROPEAN DEMOCRACY

Keynote presentation

LAWRENCE PRATCHETT
De Montfort University
United Kingdom

Democracy and the Council of Europe

Democracy across Europe in the early years of the 21st century faces something of a paradox. On the one hand, democracy has triumphed: for the first time in its history democracy is the dominant mode of political organisation in almost every European country. Indeed, only Belarus, a candidate country since 1993, has been denied entry to the Council of Europe's family, and its exclusion has been primarily on the basis of it failing to meet the democratic criteria of the Council. On the other hand, there is considerable awareness that democracy is failing in many developed and developing democracies. There are significant concerns with the growing democratic deficit and the wider failings of democracy in modern society. Democracy is at once both the primary mode of political organisation across Europe and the subject of considerable concern about its contemporary failings.

In this context, the Council of Europe's focus on democratic institutions, and particularly the attention developed through its integrated project, "Making democratic institutions work", is extremely timely. This programme of work has concentrated on both the existing efforts of the Council to promote democracy and the changes that might enhance it over time. Our work has focused especially upon the body of work which constitutes the Council's *acquis* in the field of democracy and it is an analytical summary of this that is presented here.² In particular, we focus upon the core principles of the Council's *acquis* in the field of democracy and the implicit tensions that necessarily exist within it. It is only from this basis that others can then begin to assess the wider changes that are necessary in democracy across Europe.

We start our analysis with the recognition that the Council of Europe is the only pan-European institution that has an explicit commitment to democracy as a primary aim of its existence. While this commitment is expressed in a number of ways in different conventions, two key documents are particularly pertinent in this respect:

2. For more details, see: L. Pratchett and V. Lowndes, *Developing democracy in Europe – an analytical summary of the Council of Europe's acquis*, Strasbourg: Council of Europe Publishing, 2004.

- the Statute of the Council of Europe (European Treaty Series No. 1) – ratification of this statute by each of the forty-six member states requires them to reaffirm their commitment to “individual freedom, political liberty and the rule of law, principles which form the basis of *all genuine democracy*”; [emphasis added];
- the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocol No. 1 (European Treaty Series Nos. 5 and 9 respectively) – this important convention establishes many of the principles that are considered to be fundamental to democracy. These principles include:
 - Article 9 – The right to freedom of thought, conscience and religion;
 - Article 10 – The right to freedom of expression;
 - Article 11 – The right to freedom of association;
 - Article 3 of its Protocol No. 1 – The right to free elections.

A commitment to democracy, therefore, has been an early and enduring focus of the Council’s work.

In recognising the Council’s important role in the development of democracy, however, it is also necessary to acknowledge the limitations and constraints that it has worked within. First, the Council of Europe promotes democracy across the continent but is not responsible for its practice. Each member state has its own institutions and processes which seek to deliver democracy. The Council can and does suggest ways in which democracy can be enhanced but it is dependent upon member states to decide how and when to adopt them. Democratic failings, therefore, remain the responsibility of individual member states. Second, democracy is not a settled concept or goal: its principles and processes are widely disputed. It is not possible, therefore, for the Council to promote a single model or set of institutions. Democracy will always be context dependent and will develop in different ways in contrasting countries. Finally, it must be accepted that democracy is a perpetually incomplete project that needs constant renewal if it is to survive. New institutions and practices will reinvigorate democracy and should always be cautiously welcomed where they contribute to democratic benefits.

The Council’s *acquis* falls into three categories, all of which have been the subject of analysis for this project:

- the formal *acquis* which consists of the 193 conventions, treaties and charters that the Council has produced since its creation in 1949;
- the developed *acquis* which consists of the various proceedings produced by the Council’s three main organs: the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe;
- the interpreted *acquis* which consists of the work conducted by Council of Europe bodies, such as the European Commission for Democracy through Law (the Venice Commission) and the Group of States Against Corruption (GRECO).

In analysing this *acquis*, the focus has been upon asking three questions. First, how does the Council define the democratic problems, challenges and opportunities facing European states? Second, what are the core principles that it is seeking to defend or develop through its *acquis*? Third, what are the main tensions that have emerged through this complex set of publications and activities? It is to these three questions that we now turn.

The problems of contemporary democracy are many and well known. The Council's *acquis* identifies a number of problems that it is trying to address, including: concerns with the growing democratic deficit and declining political engagement; issues of trust in political institutions and the enduring problem of corruption in many societies; problems of disenfranchisement and inclusion, especially in relation to gender and ethnicity; and the difficulties of developing and supporting an active civic society consisting of a variety of non-governmental organisations which are essential to the effective functioning of democracy.

The challenges facing contemporary democracy reflect some of these problems but are driven largely by factors external to its institutions. The *acquis* includes the challenges of globalisation, Europeanisation and changing political repertoires within this category. Globalisation poses a significant challenge because of the independent and unaccountable nature of trans-national capital and the uncertainties and limitations that it places upon nation-states. Europeanisation similarly poses challenges to democracy in that it develops alternative institutions of political legitimacy. It is in this context that the agents and repertoires of political action have changed, creating more single issue and individualised forms of political engagement and expression. This shift in political behaviour among citizens represents a major challenge to democracy as currently practised in member states.

These problems and challenges, however, also represent *opportunities* for democracy to develop. Europeanisation, particularly, presents new possibilities for countries to learn from the experience of other democracies and to share ideas and institutions that can be adapted to meet local or regional needs. Similarly, the exploitation of new information and communication technologies by governments presents the potential for democracy to be enhanced, both by using the technologies as instruments of change and as a means of expressing underlying democratic values.

These opportunities are both recognised and developed within the *acquis*. The Council's response to the problems, challenges and opportunities that it recognises represents nearly fifty years of accumulated wisdom supported by the democratic actions and ideals of forty-six member states. It is a democratic discourse that can be condensed into five main principles.

Principle 1 – the primacy of parliaments

Parliament is seen by the Council to be the “expression of the will of the people and public interest”. Most significantly, it makes laws, balances the power of the executive and speaks on behalf of the people. Within the *acquis*, therefore, strong

and vibrant Parliaments are seen as the bedrock of modern democracy. However, the *acquis* also recognises significant problems with modern parliaments. While they may be efficient institutions they appear to be declining in legitimacy. The primacy of parliaments is also challenged by alternative forms of citizen engagement which tend to bypass the normal institutional practices of elected parliaments in favour of more direct forms of action or engagement. Consequently, despite their fundamental importance to democracy, parliaments are facing significant challenges.

Principle 2 – representation

Following from its focus on parliaments the *acquis* seeks to reinforce representative democracy in a number of ways. First, it places considerable emphasis on supporting a plurality of political parties in a polity as a fundamental feature of democratic competition. Its attention to party finance is one example of this commitment. Second, the Council has been actively involved in the setting and monitoring of election standards to ensure that elections are free and fair. The Council expressed this most clearly through Article 3 of Protocol No. 1 to the European Convention on Human Rights which sets out the right to free and fair elections. However, its activities in monitoring elections have also been important in promoting and developing this right. Finally, the Council has explored and supported electoral innovations within its framework of election standards. Its recent interest in electronic voting is an example of how the Council is continually seeking to enhance the representative focus of democracy. However, the focus on this principle ignores the changing political repertoires and agencies that are now a feature of political life in most European countries. It also has different implications in different contexts. For example, electronic voting poses different risks in different countries. In developed democracies, the risk of e-voting promoting large-scale family voting is perceived to be quite low, but in many transition countries there is a concern that it will entrench an already significant problem, further disenfranchising many women.

Principle 3 – transparency and accountability

Transparency and accountability is important to democracy because it confirms to citizens that their government and its institutions are working in their interests. Consequently, the *acquis* has given attention to a number of issues in this area. First, it has sought to define and promote a framework for effective and ethical public service. Second, it has placed considerable emphasis upon stamping out corruption, both within government and wider society. The two charters that it has produced on this topic are the main instruments for this attention but the Council has also taken a number of other actions to address corruption, most notably through its sponsorship of GRECO. Third, it has put particular emphasis upon promoting a free and active media as an important intermediary between governments and citizens. In promoting the role of the media in democracy the concern has been to establish the balance between effective media regulation on the one hand and the need to ensure media pluralism and its independence on the other.

Principle 4 – local democracy and subsidiarity

There has been significant activity from all pillars in the area of local democracy in recent years. Some instruments have examined the process of strengthening wider democratic practices by encouraging local governments to experiment with different forms of citizen engagement. Others have promoted local democracy as the only means to support pluralism and diversity in a society, especially where significant ethnic minorities are present in a particular territorial area. However, at the heart of the *acquis* is a belief that it is only at the local level that government can be responsive to local needs and differences. Consequently, the principle of local self government, as enshrined in the European Charter on Local Self-Government, is fundamental to the Council's position on this topic.

Principle 5 – participation and civic society

The renewed emphasis that the *acquis* places on participation and civic society is, in part, a response to the democratic deficit of conventional institutions. Consequently, it encourages, through a variety of instruments, direct participation of citizens in decision making, for example, considerable attention has been given to how referendums can be made to work most effectively to support democracy; the targeting of marginalised or otherwise inactive groups such as young people, ethnic minorities and so on; and makes recommendations on how governments can build civic society to support the democratic process. More than others, these initiatives are responses to the problems and challenges that the Council recognises in contemporary European democracy.

The outcome of this *acquis* is a strong body of work on which to build. The Council's commitment to promoting democracy across Europe runs deep in its *acquis* and shows a level of sophistication that is unparalleled. However, in its sophistication there are a number of tensions and questions that need to be asked:

- What type of democracy does Europe want?
- How does the Council of Europe expect different institutions to fit together?
- Are the problems/opportunities the same everywhere?
- Should there be convergence or divergence in democratic institutions?
- Is there a need for democratic stability or democratic change across Europe?

In taking democracy forward the Council of Europe and its member states need to reflect upon the principles that constitute its *acquis* and continue to build upon it.

DEMOCRATIC REFORMS – *QUE FAIRE? OÙ FAIRE?*

Keynote presentation

PHILIPPE C. SCHMITTER
European University Institute
Italy

“Democracy is the word for something that does not exist.”

Karl Popper

For something that does not exist, democracy has certainly been much talked about recently. Moreover – at least in Europe – “real-existing” democracy seems to have a promising future, although it is currently facing an unprecedented diversity of challenges and opportunities. The issue is not whether the national, sub-national and supranational polities that compose Europe will become or remain democratic, but whether the quality of this regional network of democracies will suffice to ensure the voluntary support and legitimate compliance of its citizens.

The major reason for this optimism is simple: the democratisation of Europe’s “near abroad” and its subsequent incorporation within the region as a whole. With the success of these national efforts at regime change to its East, Europe has become and should remain an enlarged zone of perpetual peace in which all of its polities can expect to resolve their inevitable differences of interest peacefully through negotiation, compromise and adjudication. Moreover, there exists an elaborate Europe-wide network of trans-national institutions, inter-governmental and non-governmental, to help resolve such conflicts and draw up norms to prevent their occurrence in the future.

Ironically, this much more favourable regional context presents dilemmas of its own for democracy. Many (if not most) of the major historical advances in democratic institutions and practices came in conjunction with international warfare, national revolution and civil war. Fortunately, none of these Archimedean devices for leveraging large-scale change seems to be available in today’s pacified Europe. It is, however, our presumption that democracy can not only live with peace, but thrive with it – if, however, it can learn to reform institutions and practices in a timely and concerted manner.

We draw five (tentative) conclusions from this unprecedented state of affairs.

First, established democracies in Western and Southern Europe will find it increasingly difficult to legitimate themselves by comparing their performance with that of some alternative mode of domination, whether real or imagined. Now that liberal democracy has become the norm throughout Europe and overt autocracy

persists only in countries with markedly different cultures and social structures, the standards for evaluating what governments do (and how they do what they do) will become increasingly “internal” to the discourse of normative democratic theory, that is to what differing conceptions of democracy have promised over time and for which citizens have struggled so hard in the past. Therefore, there should be a tendency towards a convergence in formal institutions and informal practices within Europe that will, in turn, lead to a narrower and higher range of political standards.

Second, new democracies in Central and Eastern Europe and the western parts of the former Soviet Union will find it increasingly difficult to legitimate themselves simply by arguing that they are so burdened by their respective autocratic heritages that they cannot possibly respect the norms of behaviour and attain levels of performance set by established democracies. The standards that their recently liberated citizens will apply in evaluating their rulers will rapidly converge with those already in use in the rest of Europe.³ Politics failing to meet these standards will experience more frequent electoral turnover in power and may even be threatened by popular rebellion, unless their newly empowered rulers respect the rules established by the “real-existing” democracies to their West.

Third, in both cases, the polities involved will usually only be able to improve the quality of their respective democratic institutions and practices by means of partial and gradual reforms. Moreover, these reforms will have to be drafted, approved and implemented according to pre-existent norms. Rarely, if ever, will the opportunity present itself for a more thorough-going, large-scale or “abnormal” change. After all, how much change in the rules of democracy can one expect from rulers who have themselves benefited from those rules? The usual rotation of parties and party alliances in and out of power will, at best, open up only modest opportunities for change.

Fourth, we should therefore be guided by “possibilism” in our choices with regard to potential reforms of formal institutions and informal practices. We will be less concerned with what may be emerging “probabilistically” from the various challenges and opportunities that face contemporary democracies than with what we believe is possibly within their reach – provided that “real-existing” politicians can be convinced by “real-existing” citizens that the application of these reforms would make a significant improvement in the quality of their respective democracies.

Last, we must also be attentive to the principle of transversality, which means that we will not limit ourselves to evaluating only the possible effects of any single reform measure, but always try to the best of our collective and interdisciplinary ability to seek out the interconnections and external effects that are likely to emerge if and when several reforms are implemented either simultaneously or (more likely) sequentially. As one of our participants said during the deliberations (citing R. W. Rhodes): “It is the mix that matters”.

3. Needless to say, the recommendations and conventions of the Council of Europe have played a key role in setting and monitoring norms in both of these groups of countries.

Our guiding hypothesis throughout the Green Paper is that *the future of democracy in Europe lies less in fortifying and perpetuating existing formal institutions and informal practices than in changing them*. “Whatever form it takes, the democracy of our successors will not and cannot be the democracy of our predecessors” (Robert Dahl). There is nothing new about this. Democracy has undergone several major transformations in the past in order to re-affirm its central principles: the sovereignty of equal citizens and the accountability of unequal rulers. It increased in scale from the city- to the nation-state; it expanded its citizenry from a narrow male oligarchy to a mass public of men and women; it enlarged its scope from defence against aggressors and the administration of justice to the whole panoply of policies associated with the welfare state.

Our tasks in the Green Paper were to:

- identify the challenges and opportunities posed to contemporary European democracy by rapid and irrevocable changes in its national, regional and global contexts;
- specify the processes and actors in both the formal institutions and informal practices that are being affected by these external challenges and opportunities, as well as by internal trends that are intrinsic to democracy itself;
- propose potential and desirable reforms that would improve the quality of democratic institutions in Europe.

Challenges and opportunities

These are exceptionally diverse and strong. Certainly, we are condemned to live in “interesting times” in which both the rate, and the scale and the scope of change seem to be unprecedented and, most important, beyond the reach of the traditional units that have heretofore dominated its political landscape. Most of today’s problems are either too small or too large for yesterday’s sovereign national states and, hence, within Europe there has been a vast amount of experimentation with devolution to smaller political units and integration into larger ones. For the first time, knowing the level of aggregation at which reforms should take place has become almost as important as knowing the substance of the reforms themselves. The classic question *Que faire?* has to be supplemented by *Où faire?*

Moreover, because they are coming from a relatively “pacified” environment, the democracies affected will find it difficult to resort to so-called “emergency” measures or “temporary” suspensions in order to pass reform measures against strong opposition. Granted that rulers will be tempted to enhance the sense of urgency by highlighting new threats to security and responses to them (such as “the war on drugs”, “the war on terrorism”, or “a fear of foreigners”) and to exploit them for the purpose of inserting anti-democratic reforms, but the plurality of sources of information and the competition between politicians should limit this possibility in most well-functioning democracies. The key problem will be finding the will to reform existing rules with the very rulers who have benefited by them and who usually cannot be compelled to do so by an overriding external threat to their security or tenure in office.

One generic issue dominates all speculation about the future of democracy – namely, how well do democracy’s well-established formal institutions and informal practices “fit” with the much more rapidly changing social, economic, cultural and technological arrangements that surround it and upon which democracy depends both materially and normatively?

In the Green Paper, we identified the following generic sources of change in the environments of European democracies. Each of them presents a *challenge* in the sense that it threatens the viability of existing rules and practices, but each in our judgement also represents an *opportunity* in the sense that it opens up the possibility for creative and imaginative reforms that could actually improve the performance of “real-existing” liberal democracies. These are:

- globalisation;
- European integration;
- inter-cultural migration;
- demographic trends;
- economic performance;
- technological change;
- state capacity;
- individuation;
- mediatization;
- sense of insecurity.

Processes and actors

In order to guide our effort a common focus, we used a generic working definition of democracy: modern political democracy is a regime or system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and co-operation of their representatives. This did not “commit” us to any specific model, institutional format or decision rules. By leaving open the key issues of how citizens choose their representatives, what the most effective mechanisms of accountability are and how collective binding decisions are taken, this definition does not preclude the validity of what we later discussed as “numerical”, “negotiative” or “deliberative” democracy.

This definition also provided us with a tripartite division of labour. Three types of actors combine through a variety of processes to produce the *summum bonum* of political democracy, namely, accountability. We, therefore, divided our analyses of contemporary transformations and responses into those primarily affecting citizenship, representation or decision making.

More concretely, we analysed the impact of the above-mentioned challenges and opportunities upon:

- citizenship: “political discontent” and “cultural identity and protest”;
- representation: “political parties” and “civil society”;

- decision making: “guarding the guardians”, “inter-level accountability” and “mechanisms for direct citizen consultation”.

Our generic conclusion for each of the categories was that the “real existing” democracies of Europe had responded to these changes in their environment, either weakly or by attempting to reinforce existing rules and practices. In some cases, we did find very innovative efforts to transform challenges into opportunities, but these were usually at the local level and had failed to prevent a decline in the quality of their respective national institutions. Citizens had become increasingly aware of this and focused much of their discontent upon representatives, that is upon politicians as individuals and parties as organisations.

Recommendations for reform

In our research on “actors and processes” in relation to the “challenges and opportunities,” we discovered that politicians and citizens were not only aware of pressing needs for reform, but they were also responding to these needs. Contrary to the prevailing impression that the well-established democracies to the West are too sclerotic to make any substantial changes in their rules and practices and that the neo-democracies to the East are concerned only with mimicking these very same rules and practices, we found lots of examples of innovation and experimentation. Needless to say, these efforts were often scattered and too recent to be able to evaluate their potential contribution. Many were emerging from local levels of government and from specialised arenas of governance. Most often these reforms aimed at greater transparency and participation in decision making by citizens and stakeholders. Not surprisingly, the growing problems associated with party finance and corruption elicited responses at the national level, although non-governmental organisations, such as Transparency International and international organisations, such as the Council of Europe, have also played an important role in identifying poor quality performance and setting standards. Around the more encompassing issues of globalisation and international migration, reform efforts primarily involved trans-national organisations and international agreements, including Council of Europe framework conventions on such matters as the protection of national minorities, the participation of foreigners in public life and the rules relating to the acquisition of nationality. Although it was not founded for this purpose, the entire “experiment” in European integration could be interpreted today as an attempt to respond regionally to the challenge of globalisation. Given the multiplicity of levels of aggregation and diversity in existing rules and practices among European democracies, it should come as no surprise that these responses have not been uniform and frequently have gone unobserved and under-evaluated.

We finally turned to recommendations for reform. Some of them were inspired by the dispersed efforts that European democracies are already making to meet the challenges and opportunities of the “interesting times” in which we have been condemned to live. Unfortunately, however, many of these are so recent that we cannot be sure that they will succeed in improving the quality of democracy.

Moreover, we also have to recognise that there are several problematic areas in which very little has been tried. For example, almost everyone by now recognises that citizens are less and less likely to vote or to join political parties, but no one seems to be seriously trying to do something about this.

When recommending specific institutional reforms, we found it imperative to return to our starting point, which is, “democracy is the word for something that does not exist”.

First, we recognised that promoting democracy will always be “unfinished business”. Successes in coping with particular challenges or seizing particular opportunities will only shift expectations towards new ones in the future. Citizens will focus their demands for equality on new sources of discrimination, for accountability to new relations of domination, for self-respect to new arenas of collective identity. All that we can realistically hope for is that the reform measures we advocate will move the polity in a positive direction – never that they will definitively fill the “democracy deficit”.

Second, we reject the notion that there is one ideal type of democracy that all European countries should adopt at once or even converge towards gradually. Therefore, it should not be the task of the Council of Europe to identify and advocate a set of identical reforms that would do this. Each member state will have to find its “proper” way of coping with the unprecedented range of challenges and opportunities that face the region as a whole. They have a lot to learn from each other, and the Council of Europe must play an active role in fostering that process, but the points of departure are different as are the magnitude and mix of challenges and opportunities. Hence, reforms in institutions and rules will not produce the same, positive and intended effects in all countries that adopt them. Reforms that may be welcomed by the citizens of some member states might be resoundingly rejected by others. One could even argue that such a diversity in meanings and expectations is a healthy thing for the future of democracy in Europe. It ensures a continual diversity of political experiments within a world region whose units are highly interdependent and capable of learning – positively and negatively – from each other’s experiences.

The recommendations for reform listed below are not guided exclusively by any one of the three contemporary models of democracy, but by the conviction that all “real-existing” democracies in Europe are based on some mix of all of them – and that this is a good thing.

Our “wish list” of recommended reforms (see appendix). These recommendations are by no means endorsed with equal enthusiasm by all of the authors in our working group, but we have tried to follow the same guidelines and discussed them extensively among ourselves before proposing them.

1. Universal citizenship
2. Discretionary voting
3. Lotteries for electors
4. Shared mandates

5. Specialised elected councils
6. Democracy kiosks
7. Citizenship mentors
8. Council of Denizens
9. Voting rights for denizens
10. Civic service
11. Education for political participation
12. Guardians to watch the guardians
13. Special guardians for media guardians
14. Freedom of information
15. A “yellow card” provision for legislatures
16. Incompatibility of mandates
17. Framework legislation
18. Participatory budgeting by citizens
19. A Citizens’ Assembly
20. Variable thresholds for election
21. Intra-party democracy
22. Vouchers for funding organisations in civil society
23. Vouchers for financing political parties
24. Referendums and initiatives
25. Electronic support for candidates and parliaments (“smart voting”)
26. Electronic monitoring and online deliberation systems
27. Postal and electronic voting
28. An agent for the promotion of democratic reform

Conclusions

Liberal political democracy, as presently practised in Europe, is not “the end of history”. Not only can it be improved, it must be – if it is to retain the legitimate respect of its citizens. It has done this several times in the past in response to challenges and opportunities that have emerged, and there is no reason to believe that it cannot do so in the present.

In the Green Paper, we have tried to use our collective imagination as theorists and practitioners of politics to come up with suggestions for reforms that could improve the quality of democracy in Europe and make it more legitimate in the future. Some of these have already been introduced – usually on an experimental basis – in a few polities; most, however, have never been tried. We would be the first to admit that not all of these reforms are equally urgent or feasible or even desirable. It is the task of democratic politicians to decide which are best and which deserve priority treatment.

We can, however, offer some concluding thoughts on those reforms that we are convinced should be considered most urgently. It is our collective judgement that the major generic problem of contemporary European democracy concerns declining citizen trust in political institutions and participation in democratic processes. Therefore, those reforms that promise to increase voter turnout, stimulate membership in political parties, associations and movements and improve citizen confidence in the role of politicians as representatives and legislators deserve prior consideration, especially in those cases where they also make politics more entertaining. The second most important problem concerns the increasing number of foreign residents and the political status of denizens in almost all European democracies. Measures to incorporate these non-citizens within the political process should also be given a high priority.

We also wish to conclude by introducing a note of caution. Single reforms in the rules of the democratic game have rarely been efficacious “on their own”. It has been packages of interrelated reforms that have been most successful in improving performance and legitimacy. Sometimes this was the result of an explicit and rational calculation of the interdependencies involved; most often however it was the product of the political process itself with its inevitable need for legislative alliances, compromises among competing forces and side payments to recalcitrant groups. In other words, in “real-existing” democracies, the design of reform measures is almost always imperfect, all the more so when the intent is to change the future rules of competition and co-operation between political forces.

Moreover, reformers have usually not been successful in predicting all of the consequences of the measures they have introduced. Almost always, these changes have generated unintended consequences – some good, some not so good. One should never forget that in a free society and democratic polity the individuals and organisations affected by political innovations will react to them and quite often in unpredictable ways. Most significantly, they will try to “game them”, that is to exploit them in ways that benefit them in particular and, not infrequently, distort their intent in order to protect established interests.

All of this pleads for caution – especially when introducing reforms that are genuinely innovative. Ideally, such measures should initially be treated as political experiments and conducted in specially selected sites – normally, at the local or regional level. Only after their effects have been systematically monitored and evaluated, hopefully by an impartial and multinational agency such as the Council of Europe, should they be transposed to other levels within the same polity or to other member states.

We repeat: our democracies in Europe can be reformed. They can be made to conform more closely to that “word that has never existed” and, in so doing, they can regain the trust in institutions and the legitimacy in processes that they seem to have lost over recent decades. But it will not be easy and it will take the collective wisdom of political theorists and practitioners in all of the forty-six member states of the Council of Europe to identify which reforms seem to be the most desirable, to evaluate what their consequences have been and, finally, to share the lessons from these experiences among each other. With this Green Paper to the Council of Europe, we hope that we have made a contribution to initiating this process.

CURING DEMOCRACY'S ILLS? MODERN TECHNOLOGY AND DEMOCRATIC PROCEDURES

Keynote presentation

ALEXANDER H. TRECHSEL

University of Geneva, Switzerland

European University Institute, Italy

It is not yet clear whether modern information and communication technologies (ICTs) are having a truly transformative effect on contemporary democracies. Most politicians in our modern, liberal democracies in Europe use ICTs on a daily basis, be it by conversing on mobile phones, communicating through e-mails or using the Internet and other electronic data systems. So do many other of our fellow European citizens.

It is true that these recent developments enable us to acquire more information more rapidly: they allow us to permanently communicate across borders and perform a great many transactions. But does this affect our democratic procedures? And if the answer is yes, how does it affect them? Academic scholars in various fields are currently investigating these questions and in most – but not all – cases, the answers still remain ambivalent.

I recently had the chance to conduct, together with Philippe C. Schmitter, Raphaël Kies and Fernando Mendez, a study on behalf of the European Parliament, in which we evaluated how parliaments and political parties in Europe use ICTs. We found that different parliaments make very different uses of the Internet's potential to bring citizens closer to their representative institutions. The same goes for political parties in the European Union. Among the "usual suspects" – meaning traditional social science and technology related indicators – we could not identify a single most important factor for this broad range of Internet use by national parliaments or political parties. However, we suspect that the strategies of individual actors with regard to ICTs may explain best why some of them perform better than others. Clearly, more comparative research is needed if we are to shed a brighter light on the darkness that surrounds the potential relationship between ICTs and democratic procedures.

Thanks to the Council of Europe's initiative, I had the honour to lead, together with Philippe Schmitter, a high-level group of experts, composed of representatives of the institutional pillars of the Council of Europe and fellow academic experts. Through our work, which resulted in the Green Paper, *The future of democracy in Europe – trends, analyses and reforms*, we also had a chance to think about some of the potential impacts of ICTs on democracy and propose a

series of recommendations on this issue. From the outset, it was an important component of our work. Not only is this topic a timely one, it is also a domain where the Council of Europe has become particularly active over the past years, especially through activities such as those carried out by the integrated project “Making democratic institutions work”.

In the course of our investigations, I dared come up with a futuristic scenario that we discussed in our group and that I had the honour of presenting this spring at the European Conference of Presidents of Parliaments in Strasbourg. As some of the ideas put forward in my scenario found their way into a number of recommendations in our Green Paper, I now seize this opportunity to briefly elaborate on this scenario whose elements may lead to a set of remedies for some of our democracies’ illnesses.

Let us embark on a journey across time, into a possible and perhaps even near future of democracy. We are in 2020 in a European country that is about to hold national elections. Citizens of this country use the Internet over broadband in their daily lives – from home, from work and from electronic malls scattered across the country. Let us also assume that the electoral system allows for free-list voting, meaning that citizens are not forced to elect candidates from one single party but can compose their ballot freely, mixing parties and candidates through a system of *panachage*.

Some time before the national elections take place, the state has set up a “virtual election platform”, the Vep, on the World Wide Web. The Vep is closely monitored by the Vep Committee, comprising representatives of all political parties and a number of randomly chosen citizens. The Vep provides its users with links to all political parties and candidates competing in the election, statistics about the last elections, information about the past legislature, and so forth. It contains four major modules: a smart-vote module, an MP-monitor module, a discussion-forum module and an electronic-voting module.

The smart-vote module

Some time before the Vep is set up for the 2020 elections, all candidates fill in, online of course, a questionnaire containing an extensive set of policy proposals. The candidates answer these questions by clicking on their preferences and, in addition, assign a weight to them. The questionnaire itself has been designed by the Vep Committee, following hearings before this committee, involving civil society groups and experts from academia. Once the candidates have filled in the online questionnaire, citizens can do the same. Citizens can also choose between a full version of the questionnaire or a shorter one that takes up less time. They are provided with the same answer categories as the candidates and are also able to rank their preferences. They can choose to answer all of the questions or only a certain set of them, relating to the policy fields they are particularly interested in.

The smart-vote module then matches all candidates’ data with the data provided by the citizen. It even produces a virtually filled-out ballot that ranks all candidates according to the percentage of overlap between the citizens’ and candidates’

opinions. The idea is to allow citizens to fine-tune their own subjective, political profile and then match it with the political profiles of the candidates. The more questions answered by citizens, the more detailed and accurate their profile will be. Clicking on candidates' names will provide citizens with detailed information about a candidate's party affiliation, political profile, links to his or her personal website, e-mail and other contact information. In addition, candidates, via the Vep, can provide users with detailed explanations of their answers to each item on the questionnaire. These arguments could be placed on the candidates' websites.

The ballot filled out by the smart-vote module can be altered by the voter and directly used within the e-voting module that I will present below. Citizens can either fill out the questionnaire anonymously or register as smart-vote users so their political profile can be stored for their personal future reference on the Vep.

The MP-monitor module

The second Vep module could be labelled the MP-monitor module. It automatically registers all roll-call votes taking place in parliament, thereby building up an objective profile of each MP's voting record during his or her mandate. For incumbent candidates in the 2020 election, this objective profile will complete their smart-vote generated subjective profile. The voter therefore has a detailed picture of the candidate's past political activity and in the candidate's own words, how he or she intends to behave politically in the future. A citizen is also able to simulate online votes on past bills, as if he or she were an MP, in order to produce a subjective virtual MP profile. Using the same technique as that used in the smart-vote module, the profiles can then be matched. Although this leads to a somewhat less objective profile, the MP-monitor module also allows candidates running for the first time in an election to simulate a vote on past bills. And, once again, every candidate will be able to give detailed arguments for their real or virtual voting behaviour in roll-call votes, revealed by the MP-monitor module.

The discussion-forum module

The third module available to citizens on the Vep is the discussion-forum module. This offers citizens the opportunity to discuss their opinions with fellow citizens or candidates, thus allowing for a sophisticated deliberation on political issues. Citizens may share their previously stored political profiles with others and justify their choices. For the forums to be successful and to ensure compliance of their content with legislation on, for example, racist or discriminatory discourse, they would need to be moderated by experts assigned by the Vep Committee.

The e-voting module

Finally, the Vep allows citizens to cast their vote online, thanks to the e-voting module, but no one would be forced to use this method of voting. Traditional voting would – at least in 2020 – still be possible at the polls or via postal mail. Note that remote-voting procedures – such as e-voting or postal voting – require a

pre-defined time period during which a vote can be cast. In our scenario, the citizens of our European country would be allowed to vote from any location, including from abroad, during a specified two-week period. In addition, a vote cast remotely, for example over the Internet, could be changed by the voter at any time during the entire election period. Through this reversible voting mechanism, only the last vote cast would be taken into account by the election system.

A cure for democracy?

I believe that the development of ICTs could relieve our contemporary democracies from some of their ills. While far from maintaining that our democracies would be healed altogether by an ICT treatment, I propose three examples of how our Vep modules could provide at least a partial remedy.

First, most European democracies suffer from low – and even decreasing – voter turnout. Studies have clearly shown that the introduction of remote-voting techniques, such as postal voting and, where postal voting already exists, electronic voting, leads to structurally higher turnout levels. The e-voting module could be helpful here.

Second, citizens' alienation from politics and growing distrust vis-à-vis their representatives are fostered by what citizens perceive as a cognitive distance from the elite. This has engendered feelings of powerlessness, needlessness, and even helplessness with regard to politics. This distance is further compounded by an apparent lack of transparency with regard to the political processes. By improving the capacity of citizens to understand the political positions and actions of their individual representatives, and therefore hold them more accountable, the distance between the rulers and the people could be reduced and the political processes made more transparent. Citizens would have constant access to information on what the candidates they have elected are actually doing. This would be perfectly possible if we conceive of the Vep as a permanent political site, where the MP-monitor module and the discussion-forum module would be continually accessible.

One could imagine some kind of “virtual contract” between a voter and his or her candidates. The voter's own profile could be automatically checked on a permanent basis against the performance of the MPs chosen by the voter in past elections. If an MP were to “deviate” from his or her announced political course of action, the voter would receive an automatic e-mail alert – if, of course, the voter had previously requested this option. I use the “e-mail-alert” as an example, but one could think of other kinds of early warning systems. If MPs decided to renege on their political promises, they would have a chance to justify their change of opinion on the Vep. The e-mail-alerts would constitute something similar to yellow cards in a football match that a voter could eventually turn into a red one at the next election.

My third and last point is that today's lack of civic education and consequently of civic competence could be potentially improved through deliberation. Its online version, our discussion-forum module, is an obvious crutch for this badly limping leg of our democratic body.

Let me add that two additional features could be introduced into the overall design. These features are institutional reforms, rather than effects, but they would be nevertheless much easier to implement thanks to ICTs. First, one could imagine a ballot where voters would be able to elect a certain number of candidates from other constituencies within the same country. Both the smart-vote and the MP-monitor module would be enabled to produce best matches with candidates/MPs from all constituencies, therefore maximising voter choice and congruence between individual preferences and the political offer.

Second, the permanent Vep could quite easily allow citizens with similar political opinions to launch popular initiatives or ask for referendums to be held. MPs could use the Vep to post their recommendations on issues to be voted on directly by the electorate. Here too a smart-vote module would help voters make a political choice through a series of questions related to the approaching referendum.

One need not be a medical doctor to affirm that cures may trigger a certain number of undesired side-effects. The same is true for our ICT treatment. To mention one: traditional political parties would most probably suffer from these developments. Their most important function, namely candidate selection, may become dispensable, particularly if we embed our Vep into an open- or free-list electoral system. Candidates would be able to politically emancipate themselves from their parties during electoral campaigns. Based on congruent profiles among candidates from different parties, one could even imagine the emergence of virtual parties and shifting ad hoc coalitions. The question of whether this would lead to a more lively democratic culture or have the perverse effect of destabilising the political process cannot, however, be answered at this point.

There is a rather intriguing observation that I would like to share with you. All the individual elements and features of our futuristic Vep already exist. All the modules that I have described are being used in several of the Council of Europe member states, although most are still in the pilot stage.

Smart-voting techniques have been applied in the Netherlands, Switzerland, Finland and Germany. Interestingly enough, in the Swiss case, the 2003 federal elections triggered the development of two competing smart-voting modules, leading me to imagine the development of competing Veps that are not run by public authorities but by private companies, associations or NGOs. MP-monitoring is provided by the European Parliament and several national chambers. Online deliberation has been used in connection with the European Convention and by many parliaments in Europe on different occasions, and e-voting has been used in binding elections and referendums in the United Kingdom and Switzerland. In addition, other preconditions for our model exist already, such as reversible voting in Sweden, free-list voting – or *panachage* – in Luxembourg and Switzerland. The same applies to referendums and popular initiatives.

Interestingly enough, no institutional changes would be needed in most constituencies to develop a Vep containing all the modules I have described. Only the direct democracy component and the free-list component would require institutional change. Nevertheless, the Vep could work just as well – producing, of

course, somewhat different effects – in closed- and open-list electoral systems. The effects would probably vary, depending on whether the electoral system was majoritarian or based on proportional representation.

The question therefore arises: why is it that democracy is not yet healing? Are these ICT-driven innovations simply placebos? I do not think they are. But we need to choose an integrated approach to these innovations, for despite the isolated experimenting we are doing with Vep features, we have yet to try an approach of this type. In other words, most of the positive effects one would expect cannot be produced unless we combine these techniques and offer them to citizens on a permanent basis. So far, our patient has received unconnected, isolated treatments, when what it needs is a holistic, overarching therapy. In addition – and this could excuse the doctors so far – we need to submit these ICT treatments to broader clinical tests in order to gather further evidence of their potential virtues.

In conclusion, I reiterate that we are still in the beginning phases of applying ICTs to democracy and examining their benefits. Throughout their long history, democratic procedures have had an evolutionary advantage over all other forms of government – and maybe this is democracy's major advantage: its procedures have survived by staying flexible, by mutating and adapting to new social and technological realities. I do not doubt that our contemporary democracies will not only be able to confront the challenges new ICTs will bring with them, they will also exploit them to make democracy even stronger. If we believe that democracy is momentarily suffering, we also believe that it can and will heal. We all have the opportunity – and maybe even the task – to help democracy on its way towards recovery.

WHAT CAN THE VEP MODEL DO FOR DEMOCRACY? ... IN ANSWER TO ALEXANDER TRECHSEL

THOMAS ZITTEL

Mannheim Centre for European Social Research (MZES)
Germany

Democracy and new digital media

Since the 1970s, new digital media such as computer networks, interactive cable TV and digital phone networks have been perceived as a source of democratic change. Many of the forecasts on the directions these changes will take have been rather optimistic in tone. So-called cyber-optimists stress that new digital media will create more opportunities for participation and thus bring about a “more perfect” type of democracy.⁴ On the basis of declining rates of participation in modern democracies and some rather doomsday-like conclusions about the state of contemporary democracy, this belief has recently gained momentum.

Specific models of new digital media as a means of democratic change include electronic voting (e-voting), enhanced transparency of the political process via electronic media and electronically-facilitated horizontal discussions among large groups of citizens.⁵ However, the overwhelming majority of systematic analyses of these proposals reveals that each of them, when taken as a single measure, has serious drawbacks. This leads to the conclusion that each model needs to be carefully designed and more importantly, needs to be integrated and configured within a more comprehensive reform package if the goal of a workable and participatory type of democracy is to be achieved.

Alexander Trechsel’s futuristic scenario (see p. 45) draws together several disparate reform measures to develop a more integrated model of electronic democracy. This model, which he has “scheduled” to go into effect around 2020, is focused on the most turbulent phase of the democratic process: election time. His so-called virtual election platform (Vep) consists of four modules:

- a smart-vote module designed to enhance the transparency of the political profile of each candidate running for public office. For this to be achieved,

4. A. Etzioni, K. Laudon and S. Lipson, “Participatory technology: the Minerva communications tree”, in: *Journal of Communication*, Vol. 25, 1975; B. Barber, *Strong democracy: participatory politics for a new age*, Berkeley, Calif.: University of California Press, 1984; For a comprehensive summary of this literature see T. Zittel, “Elektronische Demokratie – Planskizze für eine Demokratie des 21. Jahrhunderts?”, in: *Neue Politische Literatur*, Vol. 46, No. 3, 2001, p. 433-70.

5. See, for example, J. Hoff, I. Horrocks, P. Tops (eds.), *Democratic governance and new technology: Technologically mediated innovations in political practice in Western Europe*, London and New York: Routledge, 2000.

candidates have to fill in a questionnaire on their policy positions that would be available on the Internet prior to election day;

- an MP-monitoring system that would record and display the roll-call votes of incumbents, thus making their decision-making more transparent;
- a discussion-forum module allowing for horizontal debates among citizens, where they could share ideas and information about candidates for public office;
- an electronic-voting module that enables voters to cast their vote online.

I will briefly review the drawbacks of each of these single modules before I come to a final conclusion as to whether the Vep provides a promising package for democratic reform that is more than the sum of its parts.

The electronic-monitoring module

One of the issues surrounding electronic monitoring is whether it is compatible with the basic principles of modern representative democracy. Representative democracy provides citizens with the authority to elect representatives that will have some measure of discretion during their tenure. In some respects, the role of representatives is partly that of a trustee and not of a delegate.⁶ This concept of representation enjoys constitutional status in many democratic countries. Constitutions such as the German Basic Law, for example, explicitly lay down the notion of a free mandate. Furthermore, this is engraved at the institutional level in most Western European democracies. Most representative systems in these countries downplay the notion of a direct relationship between citizens and MPs. No European electoral law, for example, entertains notions of term limits or recall measures and Alexander Trechsel's assumption that his Vep is supported by a first-past-the-post electoral system in single member districts is not consistent with current reality in most European democracies.

A concept of representation that allows for some discretion on the part of political representatives can be substantiated by the very plausible arguments that short-term interests do not necessarily coincide with long-term interests and that free mandates ensure the political leadership needed to develop the long-term interests of the community. A further argument stresses that any given policy needs to be co-ordinated with other policies for the sake of consistency. A free mandate can be seen as a way of ensuring this co-ordination because it allows for deliberation and the negotiation of compromises among representatives.

On the basis of these considerations, we have to ask whether MPs that are closely monitored by local interests would still be able to work out compromises with their colleagues for the sake of policy consistency and whether they would still be able to provide the political leadership needed to develop long-term interests. How

6. See H. F. Pitkin, *The concept of representation*, Berkeley, Calif.: University of California Press, 1967.

would it be possible to do this using the Vep model and would new digital media have a role to play in providing this equivalent?

The second question that arises is: Do we really want to replace political parties in order to strengthen individual MPs as a link between citizens and the state? Parties provide cues for voters who do not have time to read every position paper by every candidate running for office in their district. They thus serve as an important device for managing information costs. Parties also serve to aggregate social interests prior to the parliamentary process and thus reduce decision costs. Again, what would be the institutional equivalent within the Vep model and do new digital media have a role to play here?

The discussion-forum module

The discussion-forum module highlights the need for horizontal communication between voters. However, there are crucial questions regarding its feasibility as a tool for democratic reform. Empirical research on political discussion forums shows that many of them are plagued by anti-social behaviour such as flaming and holding monologues under the guise of anonymity. Anthony Wilhelm in his book *Democracy in the digital age* concludes that these forums qualify as “cyber-wastelands” due to the poor quality of their content.⁷

Optimistic researchers such as Jakob Jensen stress that the quality of electronically-mediated discussions are very dependent upon how forums are designed and upon their membership. His research shows that government-run forums that concentrate on local issues and include elected politicians are more successful in securing reasonable debates than less-structured forums.⁸ Pessimistic researchers emphasise the very nature of the medium itself as a major obstacle to reasonable debates on the Net. Political philosopher James Fishkin, for example, assumes that any reasonable debate is based upon face-to-face communication. In this kind of social situation, participants can see each other’s body language, hear each other’s voice and thus acquire a more complete understanding of the other, as well as a sense of social belonging. According to Fishkin, mutual trust and the ability to acknowledge each other’s points of view directly translates into reasonable debate. He concludes that electronically-mediated debates will not be able to establish similar close personal bonds and will thus be not able to secure reasonable debate.⁹

The electronic-voting module

Electronic voting is the third feature of the Vep model. Critics of e-voting have raised strong doubts as to whether this reform measure is compatible with certain basic

7. A. Wilhelm, *Democracy in the digital age. Challenges to political life in cyberspace*, New York, NY: Routledge, 2000.

8. L. Jensen, “Public spheres on the Internet: Anarchic or government-sponsored – a comparison”, in: *Scandinavian Political Studies*, Vol. 26, No. 4, 2003, pp. 349-375.

9. J. S. Fishkin, *Democracy and deliberation. New directions for democratic reform*, New Haven and London: Yale University Press, 1991.

principles of democratic voting such as the secrecy of the vote or the public nature of political participation. Security of electronic voting is another aspect in this debate.¹⁰

The Internet is an open medium that is highly vulnerable technologically to manipulation from third parties. So-called hackers could break into an Internet voting system to alter voting results or shut down the system entirely. Due to the electronic nature of the ballot, any manipulation would be extremely difficult to trace and recounts in cases of serious doubt also raise challenges in a digital environment.¹¹ Many proponents of electronic voting have responded to these concerns about safety by pointing to technological solutions and pilot projects designed to solve technological problems via technological innovation.¹² But beyond these efforts at the level of technology, e-voting remains a problem at the level of principles.

Voting in private places – “in your underwear” as proponents of e-voting put it – opens up new avenues for third parties who want to spy on individual voters. Families as well as private-care institutions such as homes for senior citizens provide the most fertile ground for this type of third party influence. The procedural risks associated with remote voting via the Internet may jeopardise far more than secrecy of the vote. They also represent a threat to other basic values of democratic voting such as freedom of the vote. The presence of a second person when someone votes leaves the door open to influence, and violates the principle of the free vote, meaning that no pressure should be put on the individual during the act of voting. From this perspective, remote electronic voting is particularly troubling in European countries that are increasingly becoming home to new citizens who have migrated from more male-dominated cultural backgrounds and family structures.

Voting in public places can be a way of ensuring the quality of the vote. A binding vote is not only about “me”, but about the whole community. It affects many other people. Because of this, voting implies a special responsibility for the common good. The public nature of this act attests to this very fact and is meant to act as an incentive on the individual to consider his or her social responsibility. If we cast our vote from our living room “in our underwear”, the public responsibility attached to it could easily shift to the background or cease altogether. As a result, our choices might become less responsible and more selfish.

Will electronic voting increase the level of participation? If it will, this could justify taking some risks in other areas of concern. However, there is not much evidence to support this claim. Theoretically, electronic voting decreases the costs of the act of voting at the individual level. This very fact suggests that electronic voting could indeed bring voters back to the polls.¹³ But the little research available on

10. H. Buchstein, “Modernisierung der Demokratie durch E-Voting?”, in: *Leviathan. Zeitschrift für Sozialwissenschaft*, Vol. 29, No. 2, 2001, pp. 147-56.

11. For a treatment of these technological problems see the California Internet Voting Task Force report on the feasibility of Internet voting, January 2000, <<http://www.ss.ca.gov/executive/ivote/>> (November 2004).

12. See another more advanced example of initiatives in the Geneva Canton, <<http://www.geneve.ch/evoting/english/rapports.asp>>.

13. See T. Zittel, “Participatory democracy and political participation”; paper presented to the ECPR Joint Sessions of Workshops, workshop No. 22: “Bringing the citizens back in – participatory democracy and political participation”, 28 March-2 April 2003, Edinburgh.

this subject also suggests that these “cost-cutting devices” have only a short-term impact rather than a lasting effect.¹⁴ The rather minor benefits to be gained from “low-cost participation” with respect to the level of political engagement suggest that it would be better to renounce voting in our underwear and uphold the quality of participation instead.

How benign is the 2020 scenario or can the Vep model do something for democracy?

The Vep model aims to combine different disparate measures of democratic reform via electronic means. By doing this, does it succeed in configuring them in ways that would even out those problems that are raised by each of them individually? My answer to this question tends to be sceptical if not outright negative for two reasons.

First, the Vep scenario is additive. The task of combining various, formerly isolated measures of electronic democracy into a more comprehensive model has been done without taking into account the specific problems associated with each single reform measure. Obviously, the Vep model has not been conceived of with a view to solving or balancing these problems by synthesising various reform measures.

Second, the Vep scenario is selective rather than comprehensive. It downplays the vertical chain of communication between political elites and citizens as an area of reform. However, this chain of communication could be most crucial to ensuring the compatibility of electronic democracy with basic democratic values, reasonability of decisions, and the deliberative nature of the political process as well as its efficiency.

Should we care about the possible drawbacks of electronic democracy? Is not electronic democracy in general and the Vep model in particular mere science fiction that could easily be discarded as a fancy of the moment? There is some plausibility to this claim. After all, why should the winners that made the rules, change the very rules they have benefited from, as Philippe Schmitter put it during this conference. Why should anyone in power make a decision that would compromise the scope of his or her powers? The current uses of the Internet provide further empirical evidence to this claim. There is an overwhelming consensus in the empirical literature on electronic democracy that the Internet is largely used within the established structures of representative democracy.¹⁵ Rather than being a transformative force, the Internet thus appears to be a reinforcing force, according to the most recent empirical research.

14. Richard S. Katz, “Low turnout: might the cure be worse than the disease?”, paper prepared for the workshop “Low turnout: does it matter?”, ECPR Joints Sessions of Workshops, Uppsala, 13-18 April 2004; Gideon Rahat and Reuven Hazan, “Political participation in party primaries: increase in quantity, decrease in quality”, in: Thomas Zittel and Dieter Fuchs (eds.), *Participatory democracy and political participation: can democratic reform bring citizen back in?* London and New York, NY: Routledge, forthcoming.

15. M. Margolis and David Resnick, *Politics as usual: the cyberspace “revolution”*, Thousand Oaks, Calif.: Sage, 2000.

However, several theoretical arguments should make us think twice about the all too premature conclusions on the political feasibility of electronic democracy. First and foremost, we have to remember that “the winners” are not a homogeneous group. Among them are those who have won less than others and who would like to win more. These “winners of a lesser kind” are most likely to make use of any new opportunity to better their lot. And the Internet certainly does represent such an opportunity. A second argument concerns the preferences of these “winners”. These preferences are not decided on spontaneously, but are shaped by processes of social change such as generational, economic or cultural change. With the advent of cultural changes such as the weakening of ideologies and social structures that have nourished political parties and the traditional representative system in the past, the momentum for change might accelerate because of changing preferences among political elites. A third argument concerns the “rules of the game”. In a democracy, “the winners” have to respond to social demands in the course of their decision making, and if agents such as social movements or movements based on economic interests organise and put pressure on political elites, then electronic democracy might be just around the corner.

If we take into account that new agents and processes of change are currently exerting a marginal influence on decisions as how to use the Internet,¹⁶ electronic democracy might not be science fiction at all. If this is the case, then we should not ignore these developments. We would do well to follow the advice of Alexis de Tocqueville who, in the shadow cast by the French Revolution, argued that one should control and shape those fundamental developments that one cannot stop. We ought to think hard about how to structure and design electronic democracy to be a comprehensive model of government. From this point of view, the Vep model provides a good starting point for this task.

16. T. Zittel, “Political representation in the networked society: the Americanization of European systems of responsible party government?”, in: *Journal for Legislative Studies*, Vol. 9, No. 3, 2003, pp. 32-53.

THE FUTURE OF DEMOCRACY

GIOVANNI DI STASI

*President of the Congress of Local and Regional
Authorities of the Council of Europe*

The future of democracy in Europe is our common challenge and our common goal. I strongly feel that the Congress of Local and Regional Authorities of the Council of Europe has substantial expertise to offer in the setting of common goals for developing democracy in Europe. And I am convinced that the Council of Europe's *acquis* should be presented on a broader scale, in all our member and observer states, so as to add to the visibility of the work performed by the integrated projects in this respect, putting the emphasis on the concrete dimension of the involvement of the different components of the Council of Europe.

This has brought us together. Our member states are united on the basis of a common vision of the need to make progress with respect to deepening European integration by strengthening co-operation at all levels.

Pluralist democracy, the rule of law and the respect for human rights are not just abstract formulas, but concrete goals to be achieved by means and tools set up together with the member states to implement the provisions signed and ratified by their respective parliaments.

In Europe, we have had the chance to learn our lessons and to draw conclusions from the past. We have developed legal tools based on democratic values, which form the common denominator that is the backbone of the European Convention on Human Rights (ECHR) and its Additional Protocols. This Convention and other major conventions such as the European Social Charter, the European Convention on Human Rights and Biomedicine, the Convention on Cybercrime and not forgetting the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and the European Charter for Regional or Minority Languages, just to mention a few of them, are not only tools to be used by lawyers, but reference texts for the citizens of a democratic society. These rights and, more particularly the social dimension of these rights, are essential for democratic stability within our societies.

It is our task to ensure that European citizens become better informed and more aware of their rights and duties, ready to take part in the decisions concerning their daily life. We can say without exaggeration that democracy on our continent has reached a significant stage of development and we can also say that we have built democratic institutions in Europe which are more widely accepted across the continent than ever before. We know and appreciate that more Europeans live in

democracies and subscribe to the values of democracy in their day-to-day lives than ever before in European history.

But beyond this assessment, referring to the democratic foundations laid down and widely accepted by most of our citizens, we also have to take note of the fact that the perception of what democratic institutions stand for and how they are “performing” is changing. Mistrust with respect to the behaviour of some political leaders or decision makers is growing, and is sometimes used to discredit institutions, or even to question the correct functioning of political institutions as such.

Declining turnout in elections is a serious indication that democratic practices are not always fully understood and therefore not backed by growing sections of the population. The Congress has already taken this development into account by elaborating a Code of Conduct for Local and Regional Councillors.

This is exactly where the concept of integrated projects (2002-04) comes in, in order to help promote a better understanding of what democracy is all about. The Council of Europe via the integrated projects is contributing to enhancing the functioning of democratic institutions by bringing to the attention of the so-called ordinary citizen, the texts adopted by the Council of Europe, what we call here the Council’s *acquis* in the field of democracy. The integrated projects made an attempt to take stock of what the Council thinks and does in this area.

The Council of Europe is committed to sharing our analysis and conclusions in order to provide the various political actors with opportunities, concepts, strategies and practical tools to promote democracy in the face of the disillusionment and even apathy of voters.

The Convention on the Participation of Foreigners in Public Life at Local Level and the Charter on the Participation of Young people in Municipal and Regional Life are designed precisely to address these issues and to help overcome disillusion and apathy. We are convinced that an informed and well-educated citizen is the best political investment to ensure the functioning of a democratic society both now and in the future. Only if citizens are sufficiently aware of their rights, can these rights be used and serve their purpose.

In order to address these problems, it is important first to recognise the problems and challenges that face democracy in our societies. It is precisely from this angle that the Council of Europe in general and the Congress in particular, is seeking to improve the functioning of our democratic institutions. Our European Urban Charter defines citizens’ rights in European towns and cities. It provides a practical guide to good urban management, including housing, urban architecture, transport, energy, sport and leisure, pollution and street security issues.

One of the main problems is the perception of an increasing democratic deficit in both so-called old and new democracies. Participation in traditional political bodies and institutions is declining, while extra-institutional forms of expression of various opinions are gaining ground. These forms are not often controlled by any democratic body and the risk of arbitrary decisions being taken is very high, not to

mention the risk of the expression of extremist views on specific subjects and groups within and outside of our societies.

Another serious problem observed is what could be called mistrust with respect to political bodies in general coupled with a very vague understanding of the role of the various institutions and bodies. This declining trust expresses a growing distance between the citizens and political institutions. Here I am convinced that local and regional authorities have an important role to play. Subsidiarity is not just a ready made “formula”, it is practised at local and at municipal level. The Congress has made a clear attempt to translate the principle of subsidiarity into practice by setting up an appropriate institutional framework.

The Congress is divided into two chambers: the Chamber of Local Authorities and the Chamber of Regions. The two-chamber assembly comprises 313 titular members and 313 substitute members, each of whom is an elected representative from one of over 200000 local and regional authorities in member states. This form of representation has been put in place in order to try and reflect as accurately as possible the level of the local communities all over Europe. Furthermore we are focusing in this respect on three important criteria.

First of all, no effort should be spared to ensure that a plurality of political parties, expressing a variety of political views, is secured and that the ideas which reflect the aspirations and fears of the citizens in any given society are taken into account. It is of the utmost importance to set a clear legal framework concerning the financial resources put at the disposal of political parties to ensure that the line between private and public interest is not blurred, thus misusing political parties and turning them into lobbies for specific interests. If this were to happen, parties would lose their *raison d'être* of serving the general public interest to the benefit of a functioning democratic and pluralistic party system.

Second, the conventions drawn up together with member states have established a clear structure, a pattern to be followed and monitored, in order to ensure that declarations of good intent are followed up in practice and implemented by political decision makers.

Accountability is another important objective to be achieved step by step. The Congress of Local and Regional Authorities is in a position to make full use of an important tool in this respect: the European Charter of Local Self-Government. This charter aims to enable local politicians to fulfil their duties while fully respecting democratic principles.

I would like to recall the main principles guiding our work at the level of local self-government. The aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage:

- One of the methods by which this aim is to be achieved is through agreements in the administrative field.
- The local authorities are one of the main foundations of any democratic regime.

- The right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member states of the Council of Europe.
- It is at local level that this right can be most directly exercised.
- The existence of local authorities with real responsibilities can provide an administration which is both effective and close to the citizen.
- The safeguarding and reinforcement of local self-government in the different European countries is an important contribution to the construction of a Europe based on the principles of democracy and the decentralisation of power.
- This entails the existence of local authorities with democratically constituted decision-making bodies and possessing a wide degree of autonomy with regard to their responsibilities, the ways and means by which those responsibilities are exercised and the resources required for their fulfilment.

These principles are followed up and monitored, in conjunction with a group of independent experts and political rapporteurs, preparing regular country-by-country reports on the state of local democracy. The rapporteurs have the obligation to check thoroughly how the principles I referred to and laid down in the European Charter of Local Self-Government are implemented.

We in the Congress believe that transparency and accountability are vital to restore confidence between citizens and institutions. Citizens must be able to understand and follow the decisions taken by representatives sitting in various bodies and acting on their behalf. Therefore we are eager to define clearly and to enforce directly ethical standards that should serve as a guiding principle to all decision makers acting on behalf of citizens and representing them in the public sphere.

We know that the best institutional framework may be endangered through criminal behaviour; attempts are made at different levels to corrupt civil servants and politicians, and to influence their decisions in one way or another. The Council of Europe has clearly identified these dangers and taken up this challenge. Through appropriate conventions and Partial Agreements such as GRECO and Moneyval, fighting corruption and money laundering respectively, the Council of Europe has developed specific tools to help member states to come to grips with these most complex and difficult issues.

The Congress is convinced that particular attention must be paid to the young generation and to securing its active participation within the democratic decision-making process. This is why we have developed the Charter on the Participation of Young People in Municipal and Regional Life, setting guidelines to encourage and enable young people to share in and support decisions affecting them and become active partners in political and social changes in their neighbourhood, municipality or region.

I am proud to inform you that the Congress will organise jointly with Ukrainian authorities and the Directorate of Youth and Sports of the Council of Europe, an important event to be held in Komsomolsk, Ukraine, in June 2005. The aim of this

event is to work specifically on the implementation of the Revised European Charter on the Participation of Young People in Local and Regional life.

Furthermore, the Congress is taking an active part in the European conference dealing with “integrated strategies for children and young people in disadvantaged neighbourhoods”, putting a strong emphasis on good practices and on the tools available in this respect, to make progress together with the young people concerned and local politicians involved in these issues. We all know that increased participation goes hand in hand with the restoration of confidence in the mind of the people. Only if confidence in political decision makers is restored, will the so-called ordinary citizen be ready to assume more responsibilities in the political field. Increased participation of young people could contribute to restoring confidence and increasing awareness about the complex process of democratic decision making in our societies.

It is in this context that I plead for more transparency in the political decision-making process. Political decisions must be understood in order to be supported by those concerned. I am convinced that activities like twinning cities and regions to foster good-neighbourly relations, to promote mutual understanding and trust between the people of Europe, as undertaken by the Congress, constitutes another step towards restoring a relation of confidence. We are all convinced that the development of a democratic culture of a more cohesive society cannot be imposed from the top, but must be backed by the population through a bottom-up approach. Therefore we must all work together to rebuild the ties, re-establish the links and the trust which are preconditions for a strong and sustainable involvement of citizens at the various political and social levels of our society.

The Congress of Local and Regional Authorities of the Council of Europe stands ready to contribute actively to the consolidation and the extension of democracy, human rights and the rule of law. These principles must always remain at the very heart of our mission, and as a vital reference for our common work to be accomplished for the benefit of all citizens.

As part of the Council of Europe, the Congress is eager to make its contribution to the success of this mission to make democratic institutions work. We can succeed together only if we can secure a full and substantive input from each and every one of our partners. The integrated project on “Making democratic institutions work” established as its working method this transversal approach, which is uniting us all here and now we have to continue in our common effort for the sake of democracy, by all and for all.

QUE FAIRE? OÙ FAIRE? AVEC QUI LE FAIRE? – A REACTION

ANNELISE OESCHGER

Chairperson of the Council of Europe INGO Conference

I shall start by telling you something about the way in which the role of international non-governmental organisations (INGOs) at the Council of Europe has developed, since most people know very little about this. I shall then give you a few reactions and suggestions, prompted by some of the things previous speakers have said, and by a first reading of the two publications, *Developing democracy in Europe – an analytical summary of the Council of Europe’s acquis* and the Green Paper, *The future of democracy in Europe – trends, analyses and reforms*. Some of the INGOs will be working in more depth on the basis of these publications, and the European Year of Citizenship through Education 2005 will give them a good opportunity to do that.

In 1952, just three years after it was founded, the Council of Europe introduced consultative status for international non-governmental organisations. In 1977, the INGOs then working with it set up the NGO Liaison Committee, which was intended to help INGOs to co-operate more effectively with the various Council of Europe agencies and agree their positions. Another aim was to give more weight to voices which people who had got used to working with their “pet” NGOs, and ignoring the others, were less anxious to hear. The Liaison Committee now comprises twenty-five INGOs, elected by the INGO Conference, which also elects its chairperson. The committee itself elects an eight-member Bureau. In the early 1990s, the INGOs set up thematic groupings to make their work more effective and raise its profile. There are now ten groupings, working on human rights in general; gender equality; social and health policy; extreme poverty; spatial planning and sustainable development; education and culture; the advancement of civil society; and North-South relations.

On the strength of the positive and particularly encouraging results which this produced for both sides, the Committee of Ministers adopted Resolution (2003)8 on participatory status for international non-governmental organisations with the Council of Europe, on 19 November 2003. The resolution was based on an INGO proposal, supported by the Directorate General of Political Affairs, the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe. In it, the Committee of Ministers formalised the “Quadrilogue” which is, as the resolution puts it, “an expression of democratic pluralism” within the Council of Europe, and “an essential element for the further development of a citizens’ Europe”.

This status allows us to work more closely with the steering committees, committees of government experts, Assembly and Congress committees, and also the Commissioner for Human Rights. The resolution even envisages involving us in planning Council of Europe policies, programmes and activities.

We realise that having this status means having some serious responsibilities too – that it means, for example, fostering compliance with the Council’s legal instruments and helping to make it better known – and we are working to improve our performance.

Close on 400 INGOs now have participatory status. Their representatives have four annual working sessions, coinciding with sessions of the Parliamentary Assembly. They range all the way from Amnesty International to the International Office of Allotments and Leisure Garden Societies – which sometimes gets a mention when people ridicule the notion that INGOs are a pillar of the Council of Europe. “It even has the rabbit-breeders!” they say. Indeed it does – and a good thing too. In fact, the office’s representative works mainly on town planning. This direct, ongoing link with ordinary people and their everyday concerns is one of the big bonuses which the NGOs contribute. Which brings me to the first point I wanted to take up from the Green Paper. It says several times that political parties no longer need militants, that voluntary work by party members is not the important thing it used to be.¹⁷ Big media campaigns have largely supplanted door-to-door canvassing and other member-based activities. Dialogue is out, and a one-way relationship is in. If that is true, how are party leaders ever going to know what is really happening, and what “ordinary” people can still do to influence parties and their programmes? NGOs, for their part, will always need militants and their contributions – which is actually one of their essential features.

With the Directorate General of Political Affairs, the Liaison Committee is working to promote civil society across Europe, both through meetings in Strasbourg – such as the working sessions with INGO representatives from Central and Eastern Europe, and the training sessions for young INGO representatives from all parts of Europe – and through colloquies in various countries. In recent months, we have had meetings of this kind in St Petersburg, Pskov and Rostov-on-Don, Orhei in Moldova, Baku, and Kumanovo in “the former Yugoslav Republic of Macedonia”. At every one, we highlighted co-operation between INGOs and local authorities. With the Congress, we shall actually be producing a Memorandum on this question, clearly defining each of the partner’s roles. These meetings also give us an opportunity to publicise the Fundamental Principles on the Status of Non-Governmental Organisations in Europe, drawn up by the various parties involved at the Council of Europe, and the Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations (European Treaty Series No. 124).

Cyril Ritchie was the INGO Conference representative in the group of authors which prepared the Green Paper. He tried to incorporate the views of “ordinary”

¹⁷ *The future of democracy in Europe – trends, analyses and reforms*, Strasbourg: Council of Europe Publishing, 2004, pp. 40-43.

people, as worked out in the groupings, on such things as gender equality in politics, education for democratic citizenship and youth participation – not always an easy thing to do.

One major achievement of the Council of Europe is the fact that NGOs are now officially regarded as one of its four pillars – as one of its four main components, alongside the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities. This is true of no other international institution – and it makes the Council the ideal place to try out new approaches to practising democracy in its two component aspects of representation and participation, which we see as complementary. Our task – and it is an exciting one – is to test ways of optimising co-operation between the four pillars. Their starting points, experience and methods are very different, and it is precisely this which makes their co-operation useful. While the Committee of Ministers speaks for governments, the Parliamentary Assembly for the sovereign peoples of the forty-six member states, and the Congress for residents of various municipalities and regions, in an effort to build a relationship which serves all their interests, the INGOs speak for men and women who play an active part, not only in dealing with everyday concerns, but also in shaping the whole planet's future. And every INGO – unlike the components of the three other pillars – transcends frontiers from the start. Each pillar has its own reality and its own responsibilities, and understands and lives the Council of Europe's values on that basis.

To give us a better picture of the lives and aspirations of Europe's 800 million-plus people, I had suggested that the integrated project "Making democratic institutions work" should include a research/action initiative, targeting cities in our member states, and openly aimed at getting more people to vote in elections. This would have taught us a lot about the way democracy functions in various circumstances. In communities with dozens of different nationalities, for example, the problem of voting rights for foreigners would have come up at once. In others, participation by women would have been the issue, and so on. But an "e-voting" project was given priority. Perhaps, after this conference, a project like the one I mentioned might be considered with the Parliamentary Assembly, the Congress of Local and Regional Authorities, and the INGO Conference.

Our work shows us that people are well aware that "governments' leeway has been reduced",¹⁸ without knowing where the decisions that shape their future are really taken. If we want them to get more involved in politics, then we really must make sure that everyone can see who decides what, and on what basis. The attempt to do this must parallel the ratification process for the draft European Union Constitution Treaty.

INGOs are constantly shuttling back and forth between the local, national and international levels (some of them have been doing it for decades), because many problems, such as making the right to work effective, can no longer be tackled in any other way.

18. *Ibid.*, p. 28.

Thanks to INGOs, we already have a core European *demos*. Take Article 30 of the revised European Social Charter, which recognises a right to protection against poverty and social exclusion. In 1982, a signature campaign, aimed at getting this right written into international law, was launched in various countries. Thanks to meetings arranged, and promises given, on all the decision-making levels, the proposal was at last implemented in 1996. I was in Baku in June, and was astonished to hear from NGO activists there that they use Article 30 when they are discussing Azerbaijan's future with government representatives: from the street to the negotiating table, crossing borders on the way – that is European citizenship in action.

Many people complain that the public distrusts politicians, but the reverse is also true: how far do political leaders trust the public? How do they rate their real abilities? Work needs to be done on political representatives' mental representation of the people they represent. Each side distrusts the other, and doubts its abilities. The only way to overcome mutual distrust is to communicate – but communication has its conditions as well. At five o'clock this morning, on the bus to the airport, a passenger told me she was going on holiday near Malaga. I told her I was going to a conference on democracy in Barcelona. "Oh, I'd love to come along – I'd tell them!" she said. "What would you tell them?" I asked. "Respect – that they have to start by respecting us." There it is again: respect – the *sine qua non* of the dialogue everyone wants, east and west, north and south. Being a citizen is, first and foremost, a matter of being respected by the authorities on all levels – parliament, government and judiciary. Once we have respect, we can start talking and get a dialogue going – not just the old familiar horizontal dialogue between equals, but a vertical dialogue as well. And the NGOs can make a big contribution to that vertical dialogue.

The Green Paper tells us that "people tend ... not to be aware of policies, programmes, ideas, principles, issues ...".¹⁹ But politicians and government officials also tend to know little about the way "people" really live, about their ideas and priorities. In September, the Mayor of Kumanovo ("the former Yugoslav Republic of Macedonia") told us that he had gone round the local villages to find out what people's priorities were. "They were totally different from what we'd expected. We'd thought of giving them running water, but they asked me to find them a market for their vegetables."

One of the things that does the Council of Europe credit, and makes it special, is its constant concern to bring in people who, for one reason or another, are excluded or absent from the normal processes, and are generally ignored or forgotten. That is another question on which it works hard with the NGOs. When we talk about democracy, a lot of people are left out. Both publications ignore one big question – who gets a chance to stand for election and even, perhaps, to get elected? This whole question of involvement is crucial. On the one hand, "people" are expected to play the noble role of citizen; on the other, they are the victims of stress – embittered by enforced idleness, or worn out by the increasingly exhaust-

19. *Ibid.*, p. 105.

ing demands of working life. Involvement is another area where gender equality is far from being achieved.

Selecting issues for governments to tackle and setting political priorities are an area where NGOs can make a big contribution. Controlling the choices means having a lot of the power. Take the example of security. Today, when people talk about security, they usually mean the fight against terrorism. In fact, for the vast majority of Europeans, security is primarily a matter of fundamental rights, from decent housing to a fair trial, from health care to good schooling for their children. This shows very clearly that participation is an essential part of any democratic system which works for everyone.

Basically, what I am saying about democracy is that election confers legitimate authority, but not sole authority, and that representing people does not mean replacing them – in the sense of thinking or acting for them. My feeling is that we ought to see building democracy as moving towards a way of organising life in the community which allows everyone to contribute, to the best of his or her ability, to the general welfare. The NGOs' insistence on fundamental rights is precisely intended to equip everyone to shoulder their responsibilities.

Just recently, a cleaning woman at the Council of Europe said to me, “You know, the ones who do the talking – they all think human rights are somewhere else”.

You ask, “What should we do?” and “Where should we do it?” Where? Above all, not always “somewhere else”, but for the people we live with, in the places where we serve. This raises a third question – With whom? That “with” holds the key to creating mutual trust, and the ensuing dialogue will produce some surprising and promising answers to the question “What should we do?”

E-VOTING IN SWITZERLAND

Round table presentation

ROBERT HENSLER
*State Chancellor
Republic and Canton of Geneva*

There are not many countries where people vote more than four times a year. That specific feature of Switzerland was the starting point for our efforts in this area, as far back as twenty years ago. In an increasingly mobile society in which weekends resemble mass exoduses and shops and businesses keep on extending their opening hours, we felt that it was no longer possible to open polling stations for only a few hours during each ballot.

From 1991, we gradually introduced postal voting in Geneva to take better account of our fellow citizens' habits. This option proved a great success, in particular because people are able to vote over a two- or three-week period, depending on the type of ballot. It increased average turnout by 20 points and is used by 95% of voters.

For some of you, postal voting raises issues of "family voting" or of undue pressure being put on voters voting from home. However, the systematic checks we have carried out under the postal voting system have not shown any problem cases in over ten years.

And then the Web came along, developed at the Geneva headquarters of the European Organisation for Nuclear Research (CERN). Unlike conventional information technology, which people aged 50 and over had difficulty coping with, as you had to think like it did, the Internet thinks like we do; it is intuitive. That means it is inclusive, while conventional information technology was exclusive.

It is no coincidence that the two European pioneers of Internet voting are two highly decentralised countries, namely Switzerland and the United Kingdom. And it is also no coincidence that they have an open approach to voting secrecy. People still vote by show of hands in the *Landsgemeinde* in certain cantons in central Switzerland. On top of this, in Switzerland there is direct democracy, a political system which is practically networked and under which elected representatives are almost on the same level as ordinary citizens. These factors weigh at least as heavily in the development of e-democracy as levels of Internet access or broadband access. If that were not the case, the Nordic countries or the United States would be ahead of us in this area, yet they are not.

Indeed, these institutional factors are now facilitating the development of e-democracy in the countries where they apply. I believe that, in a kind of reversal

of trends, the existence of networks will in future lead other states as well to adopt a decentralised model and a system of direct or semi-direct democracy.

I do not believe that networked government is intrinsically superior to the vertical form that existed before the Web. On the other hand, I am convinced that we cannot ignore the organisational paradigm of the era we live in. In the era of networks, there is no place for the vertical system, regardless of any value judgments.

In Geneva, we decided to place users at the heart of our concerns by offering them online services that meet their needs rather than those of our administrative approach. This is reflected in the opening up of the traditional citizens-authorities-government triangle and the formation of a rhombus, the fourth corner of which is made up of information and communication technologies.

That imposes strict ethics in terms of the security of the relevant processes, whether with regard to access rights, data processing, storage and sharing or the protection of the information systems. With the last point, I also mean the issue of the ownership of the software.

We wanted to be the owners of the online voting system, so that we could integrate it fully in our institutional environment and, in particular, make the source code accessible.

For voters, the voting card remains the central element of the voting system, as postal voting and polling stations have been retained alongside e-voting. We have simply supplemented it with identifiers specific to online voting.

I will now go through the voting procedure, as it appears on the Web at <http://www.geneve.ch/ge-vote>. The site homepage includes links to information about this e-voting project and ways to maximise the security of voting.

After this first page, users have to enter their voting card number to gain access to the protected server. With that 16-digit number, there is only one chance in five billion of getting beyond this stage inadvertently without being a registered voter. A reminder of the criminal penalties for fraud then appears, followed by the electronic ballot paper, which can be filled out.

Voters are then prompted to confirm their choices and identify themselves. Identities are checked on the basis of the secret codes on individuals' voting cards and their municipalities of origin, which are features specific to Switzerland. These data prevent third parties from voting, even if they are in possession of other people's voting cards. Confirmation of the vote then appears on the screen, completing the process.

E-voting is more secure than postal voting for four reasons:

- there is no manual handling of ballot papers;
- voters can no longer accidentally invalidate their ballot papers and they can be sure of making valid votes;
- they can be sure that their votes have been cast properly because of onscreen confirmation;

- counting is fast (a few minutes for several thousand votes) and error-free.

I would now like to say a few words about our experience to date. In September 2004, when the first national online vote was held, e-voting accounted for 21.8% of total turnout, while 72.5% of those who voted did so by post and 5.7% voted in polling stations.

We have noted that the two types of remote voting – postal voting and e-voting – are actually complementary. The distribution of votes over time varies according to the method chosen. E-votes are heavily concentrated in the last week, whereas postal votes gradually increase in number over the voting period. E-voters wait longer, as if they were more hesitant or more open and more interested in the arguments of the various sides.

People aged over 60, who make up 5% to 6% of the electorate, account for 10% to 15% of actual voters. Conversely, people under 30, who make up 10% to 12% of the electorate, account for only 5% of actual voters. With e-voting in Geneva, we have succeeded in raising the proportion of that age group actually voting to 10% to 12%, corresponding to their actual share in the population.

A study conducted this spring by Geneva University gives me grounds for optimism about the practical success of e-democracy. I have brought a few copies with me and would be glad to give you them. The image of e-voters reflected in this study is very ordinary. E-voters are ordinary people like you and me, or the man and woman on the street. While we are still in a pilot phase, this fact, combined with the high online turnout, confirms that e-voting responds to a need. There is a difference between the sexes as far as the use of e-voting is concerned, but there is no specific gender deficit. In other words, women vote online in accordance with their share in the population, while men, especially those between 30 and 50, are overrepresented online. That difference should gradually disappear as today's young women grow older. A majority of people who do not vote regularly say that they would do so if e-voting was always available.

The impact of e-voting on the results of the referendums in which it has been used has been neutral, but it has increased their legitimacy by broadening the base of active voters. There is great convergence in the results between the three methods of voting, with occasional differences, sometimes in polling station votes, sometimes in postal votes and sometimes in online votes.

We now want to find out more about the types of voters and have therefore joined with the university in launching a study of a representative sample to ascertain the socio-economic and political profiles of the various sub-groups: non-voters, e-voters, postal voters and polling station voters.

We are developing the system as we move forward. Like Christopher Columbus following the stars to reach America, in the absence of a detailed map, we need pointers and rules to guide us. In this connection, I should like to conclude by thanking the Council of Europe for setting up the working group that produced the recommendation on e-voting adopted by the Committee of Ministers on 30 September 2004.

A PROSPECTIVE VIEW OF THE POLITICAL-ECONOMIC IMPLICATIONS OF E-DEMOCRACY

Round table presentation

DIMITRIS KYRIAKOU²⁰

*Institute for Prospective Technological Studies
Seville*

My contribution to the analysis of e-democracy and future of democracy issues more generally was marked by the June 2003 issue of the prospective techno-economic journal *The IPTS Report*, which as its editor, I put together.²¹ That issue of the journal attracted articles from Romano Prodi – at that time President of the Commission, Greek Foreign Minister George Papandreou, then President of the Council of Foreign Ministers of the European Union, Barcelona Mayor Joan Clos, BBC Director General Greg Dyke, and other key policy makers and analysts/practitioners. The issue proved quite popular and copies of it were distributed to participants during the European Union June 2003 summit of heads of state and government.

That issue drew in substance, as well as inspiration, on the seminal EU-vote project of interaction between the EU Greek presidency and EU citizens – which in turn gave birth to the groundbreaking NGO Access2democracy (A2D), which espouses what I believe to be a key point: e-democracy is much more than e-voting.

Indeed this is the main message I would like to impress upon you: e-democracy is not limited to once-every-four-years election activities; rather it is more importantly about what happens in the intervals between elections. There are risks associated with overemphasising information technology approaches to voting, especially if they are viewed as a panacea and applied as snake oil.

There are positive reasons for emphasising e-democracy activities between electoral instances: e-democracy aims to create new agoras, bringing together citizens in new forms of dialogue – citizens who often feel apathetic, and even disenfranchised, because they lack a platform, an agora through which to make their case effectively and consequentially.

There are also precautionary reasons for not overemphasising infotech voting – witness for example the recent elections in the United States, where there was an

20. The views expressed in this text represent only those of the author and do not necessarily reflect those of his employer.

21. See <<http://www.jrc.es/iptsreport>>.

apparent correlation between computer voting (often receiptless, meaning there are no paper trails with which to check results) and surprisingly skewed results across counties. Interestingly and confusingly, exit polls in that election proved to be spectacularly wrong and contorted arguments were used to explain their inaccuracy.

Returning to more positive and less cautionary reasons why e-democracy is more than e-voting, e-democracy would promote enhanced participation in ICT-assisted deliberation processes. Note that this does not translate to direct democracy with instant referendums on every imaginable question. Rather it would foster an enhanced representative democracy, enriched with stronger citizen control of the deliberation and decision-reaching process and engagement in it.

To achieve this, we must address the following political and economic issues, and challenges.

First, access: this implies addressing not only the ease of access to the Internet, in terms of equipment and affordable connection, but also the educational preparatory work needed to facilitate e-participation. This would require new, enhanced “civics” courses to prepare more active cyber-citizens. Note that this goes beyond mere informatics skills and includes Internet-era communication skills. TV ushered in the “tele-visual” era in politics, going back to the pivotal televised Kennedy-Nixon debate of 1960, with Nixon’s notoriously maladroit camera performance. In turn, the cyber-agera may partly de-visualise politics, and will in any case leave its own mark on political communication.

If this “generalised access” (technology plus new communication skills) problem is not addressed, then the digital gap will percolate to political cyber-participation, and we will end up with a de facto disenfranchisement of cyber-citizens. This gap will largely coincide with and can exacerbate the gap between haves and have-nots. This may well be the case since it will undermine one of the ways in which the gap between haves and have-nots was reduced in the 20th century: namely political involvement and mobilisation of the have-nots after universal suffrage took hold.

Old fashioned enfranchisement was a key prerequisite for the creation of more egalitarian societies in the 20th century, compared to their earlier, 19th-century counterparts. Governments, in order either to appease or to attract large masses of newly enfranchised have-nots, introduced large distributive reforms that served to smoothen or dampen the fluctuations which had plagued market economies, and had visited much hardship upon the more vulnerable market participants.

Having gaps of this sort coincide is a recipe for trouble – especially if they are superimposed on pre-existing cultural, religious, ethnic and other divides. This is far from idle chatter: in economic terms the Internet and the ICTs which reduce the importance of distance, are already producing “star” economies phenomena, allowing those in the know, better-placed and better-equipped and/or marketed to reap huge rewards.

The second issue is a problem which may seem only technical but in reality is more than that: as the cyber-agera grows, the amount of information and opinions posted in it will be gigantic. Moulding it into a debate, and making sense out of it may be as difficult as trying to quench one's thirst by drinking out of a fire hydrant. Filtering and de-scaling a very large corpus of information and opinions, and producing "resultant" vectors of incoming views is a political issue, not merely a technical one.

Third, the cyber-agera will have not only local, regional, state-wide versions, but also trans-national ones. It is the latter versions that are perhaps the more promising, because it is there that any sort of agora, or common platform is often missing. At local, regional and state levels, language is not usually an obstacle. Civil society is more actively present and common concerns and themes exist, as well as platforms through which to pursue debates (newspapers, media, parties, local or national academic institutions and so forth). Nothing of this capacity exists internationally.

Last but not least, taking debates across borders helps debunk popular myths and helps question assumptions that often go unchallenged in local or national debates.

In closing, one more reason for emphasising the trans-national dimension is that given the absence of a sovereign authority at this level, cyber-ageras will not be easily domesticated or co-opted for a government's purposes. This is not an idle concern – it is possible that cyber-agera interactions may make more than one government uncomfortable, a discomfort which would bring to mind Brecht's notoriously ironic solution: it may be time for the government to elect a new people.

THE CAIRNS PROJECT – AN INTRODUCTION

Round table presentation

BETH SIMONE NOVECK AND MARIANNE LAW
Institute for Information Law and Policy
New York Law School

The opportunity: enabling more effective group work

The group in its myriad forms is the basic unit of social and political organisation. Social life is full of the groups and associations that Tocqueville lauded a century ago. Activism and organising require the mobilisation of communities of interest. Lawmaking demands collective decision making and deliberation. Organisations of all kinds depend on the work of teams.

In groups we can do together what we cannot achieve alone.

With networks and new computer-based tools now ordinary people can become a group even without the benefit of a corporation or organisation. They can make decisions, own and sell assets, accomplish tasks by exploiting the technology available. They no longer need to rely on a politician to make decisions. They can exercise meaningful power themselves about national, state and local – indeed global – issues. Senior citizens and teenagers use networked handheld computers to police the conditions of urban land use. The Google search engine offers a “Google Groups” service to make it easier for people to create and maintain groups and to do everything from “treating carpal tunnel syndrome or disputing a cell phone bill”. The mobile phone “smart mob” allows groups to self-organise a political protest or campaign, such as the one that elected the president of South Korea. Young people are meeting in videogames and using the virtual world to organise real world charitable relief for victims of natural disasters. When the Chihuahua owners of San Diego, California get together via Meetup.com, they discover, not only a shared animal affinity, but also an ability to change the conditions of local parks, affect local leash laws and police the park for themselves. Meet-ups have no offices, secretaries, water coolers or other appurtenances of formal organisations yet they have as much effect. Parents come together to decide on policy in their children’s school or a group of scientists collaborate to overthrow an age-old publishing model and distribute their research collectively online.

As a result, groups increasingly can go beyond social capital building to lawmaking. We can do more in the world together. Or, to borrow from Robert Putnam, new technology is helping to marry the “purposiveness” of the *macher* with the spontaneity of the *schmoozer*. We may be bowling alone, but online we are beginning to click together.

The goal of the Cairns project²² is to provide social software to empower the work of loosely organised teams and groups. Our aim is to use the computer screen's power to present information visually to strengthen the ability of groups to accomplish their purposes and undertake collective action.

Cairns works because it is based on an information taxonomy designed specifically to understand the workings of a group. Cairns captures that information visually to make it easy to understand the assets, values, goals and success of a collaborative project. Cairns is simple to use and multi-purposed. It can be used at any stage of a project to evaluate, plan, and manage. This visual and graphical presentation of information makes the complex and dynamic social practices of groups and teams more intuitive.

The inspiration and goal: mapping the way groups work

The Cairns Project is inspired by the use of cairns; a tradition begun in the Bronze Age. Throughout history, travellers have collaborated – even without seeing their fellow wayfarers face-to-face – in building cairns. Cairns are stone monuments to mark the path, alert a sudden turn and collectively navigate new territory. Like travellers, we have built the Cairns Project as a graphical social software tool to help those in the commercial and not-for-profit world working collaboratively to evaluate and compare their own experiences, and to search and learn from the experience of others. Through studying and documenting participative practices across multiple domains, groups can be formed and operated more effectively.

The unique design of Cairns

The Cairns software is unique in its design. In short, Cairns is a web-based visual map of the landscape of groups. It is based on the simple design philosophy that we can use the screen better to make the goals, interests and assets of a group visible to the group itself. By making the attributes of the group manifest, we can strengthen the sense of belonging to the group, show its boundaries and members, show its rules and structures, compare experiences among participants in the group and exchange best practices with others outside the group wanting to join that group or learn from it.

Cairns is browser-based and requires no downloads. It has three basic functions:

- building a visual map to show how a group worked and compare the experience of members of a group project using the Cairns builder;
- finding cairns created by other groups using the Cairns visualiser;
- generating conversation and community to exchange ideas on best practices using the Cairns blogs.

22. For more information about the Cairns Project, see <<http://www.nyls.edu/cairns>>. Cairns is generously funded and supported by: New York Law School, the Rockefeller Brothers Fund, American Speaks and the Council of Europe.

Members of the group answer a visual questionnaire to evaluate and describe a project using the Cairns builder. The visual questionnaire is based on a taxonomy of questions concerning how the group was formed and sustained, the type of collective action tools and the collective action methods used and how the members evaluate the project.

Based on the visual questionnaire, a cairn is built by each individual member. Member can highlight three keystones to indicate its importance for the success of the project. After all members of the group finish answering the questionnaire for the project, all individual cairns will form a group cairn. This graphical picture of the group and its assets allow the group to look at itself to understand how the group thinks, to understand the experience of members of the group and to find out methods to improve the effectiveness of the group.

Besides a self-evaluation function, Cairns further translates collaborate and participative practices by the Cairns visualiser. The Cairns visualizer is a searchable visual inventory of all groups in the Cairns project database. You can use the Cairns visualiser to compare the tools, methods and lessons learned by others, expand your toolbox with new ideas and technologies.

The Cairns visualiser is easy to use and understand. To find other related cairns, all you need to do is to select up to five criteria in any combination to view all the groups in the Cairns Project database which relate to those criteria. This is a great way to find other groups who have applied collaborative practices to solving a common problem or to learn about others with experience using new tools or methods which you have heard about but never tried.

To generate conversation and build the community, Cairns has interactive blogs. Every cairn has a blog, which allows people to comment about that group project. Each person using the software also has a blog that allows him or her to discuss and comment about a range of cairns. The blogs are a great way to generate conversations, ideas and comments about collaborative practices. For example, if your project is a citizen consultation exercise, you can use Cairns to publicise the result of your effort and to recruit participants.

An example

In February of this year, some fifty human rights organisations and trade unions launched a variety of global efforts targeting the French oil company, Total, for its investment in Burma. At recent shareholder meetings in Paris, protestors handed out leaflets calling for Total to pull out of Burma because the group believes that Total's investment contributes to maintaining the military regime by supplying it with an important source of foreign exchange, moral and political support. In the United States, protestors demonstrated outside French diplomatic buildings in six US cities to protest against Total's presence in Burma.

Now imagine if these various organisations had had an effective way to collaborate and co-ordinate their activities? What if they had simple-to-use visual tools to recruit participants? What if they had a way to see, visually by means of the

computer screen what their shared goals are and what are the assets available to them to achieve them? What if they had a way to look for related projects with similar goals? What if, instead of handing out leaflets, they had a database of best practices from which to get new ideas for organising and activism methods?

And what if, when all was said and done, they had a way to get feedback from participants in the various projects to learn what worked and what did not and how they could improve the way these different organisations work together as a group in the future?

Conclusion

In Scotland, it is traditional to carry a stone up from the bottom of the hill to place on a cairn. In such a fashion, cairns would grow ever larger. An old Scots Gaelic blessing is *Cuiridh mi clach air do chàrn*, meaning “I’ll put a stone on your cairn”.

Your participation is vital for building a network for collaborative practice.

**PART III. WORKSHOP REPORTS
AND PRESENTATIONS**

WORKSHOP 1: DEMOCRATIC INSTITUTIONS AND POLITICAL PARTIES – GOVERNANCE AND DECISION MAKING

Report

INGRID VAN BIEZEN

Yale University, United States

University of Birmingham, United Kingdom

This workshop sought to address the various challenges affecting institutions in democratic decision making, and focused on the challenges for intermediary institutions between citizens and the state in particular. The chair invited the workshop participants to concentrate on two critical questions.

First, how should the most important political intermediary institutions in modern democracy, that is political parties, respond to the contemporary challenges of disaffection and globalisation?

Second, in concrete terms, what course of action should we propose to political parties in order to strengthen democratic institutions and democratic systems?

In addition, the workshop was invited to discuss the following reform proposals (see Appendix) as put forward in the Green Paper, *The future of democracy in Europe – trends, analyses and reforms*:

- shared mandates (No. 4);
- council of denizens (No. 8);
- guardians to watch the guardians (No. 12);
- special guardians for media guardians (No. 13);
- freedom of information (No. 14);
- a “yellow card” provision for legislatures (No. 15);
- incompatibility of mandates (No. 16);
- framework legislation (No. 17);
- intra-party democracy (No. 21);
- vouchers for financing political parties (No. 23).

The first day of the workshop started off with a presentation from Brith Fäldt, who addressed the workshop participants partly in her capacity as a representative of local and regional politicians in Europe. She expressed approval and satisfaction with the fact that the importance of local and regional government had been recognised by the Council of Europe and had been given a prominent place in the Green

Paper. Ms Fäldt emphasised the difficulties and complexities facing local and regional officeholders in effectively performing their functions, in particular given the current context of globalisation, political discontent, declining party memberships and distrust in political institutions, parties and politicians.

Democracy does not start from the top but from the grass roots. Local problems need local solutions. That is why the principle of subsidiarity is quintessential to democracy. If we are serious in our desire to advance citizen involvement and participation, we should strengthen and develop this principle at the local and regional level. Hence the suggestion for framework legislation in the Green Paper. Framework legislation brings politics as close to the citizens as possible and respects as much as possible the existing autonomy of lower-level units and leaves them to decide on the specific methods and solutions appropriate for their individual circumstances. Framework legislation leaves a desirable degree of freedom of manoeuvre for local politicians. It also removes one of the recruitment barriers for local politicians, and creates an opportunity for citizen participation in the co-management of politics with them. Ms Fäldt pointed out that the principle of framework legislation is likely to be successful only if it is supported with adequate resources and funding from central government.

One of the problems currently facing local politics is the decline in status of local politicians, making it increasingly difficult to recruit new public officeholders. Furthermore, there is an acute lack of new and especially younger party members, and fewer people are interested in taking an active part. There is, in other words, a serious need for reforms that can encourage political commitment in general and in particular to local politics. One of the Green Paper reforms addresses this issue by proposing shared mandates. Shared mandates refer to a practice in which parties are required to nominate pairs of candidates for each position. A possible scenario discussed in the workshop was one in which one of the candidates would be the primary candidate, while the other would be their deputy.

Another option would be the alternative mandate, in which one candidate fills the first term and the other, the second. In both scenarios, parties would be free to decide how these pairs should be balanced – by gender, age, religion or social origin – but the voter would have to choose both of them together. The advantages of shared mandates are that they facilitate the recruitment of politicians, encourage the participation of young people and ensure that more people participate in the direct experience of governing. In the ensuing discussion of this proposal, it was pointed out that it could be problematic because of the serious budgetary consequences it would entail. If it were to be implemented as suggested in the Green Paper, for example, in which the first deputy would receive a full salary and the second a half salary, this proposal would require a budgetary increase of at least 50%.

The proposal on the incompatibility of mandates would prohibit politicians from either simultaneously holding or competing for (and subsequently renouncing) elected offices at more than one level. It is desirable to draw clear lines of competencies, personal as well as institutional, between democratic institutions.

Citizens should be aware of exactly who will represent them in each specific legislative body, before casting their vote. This proposal would enhance democratic accountability. In addition, it could serve to enhance democratic legitimacy, because it would remedy the popular perception that politicians are driven purely by a desire to gain power at all cost. Some participants advanced an even broader interpretation of this proposal, namely that the incompatibility of mandates should not necessarily be confined to public office only, but could also be extended to positions in the civil service, media and private business. Others, however, pointed out that a blanket incompatibility of mandates could have the unintended consequence of serving to further professionalise the political class and make them even more remote from ordinary citizens.

The proposal for a council of denizens, that is a council for the political representation of long-term foreign residents, offers great potential for integration, especially at the local level. These councils could serve to integrate permanent non-national residents into the political community, in particular in municipalities with a high percentage of foreign residents. At a minimum, they should be consulted on issues relevant to its constituents. A council is likely to be most effective if it engages on a regular basis with the municipal council.

In the second presentation, Dario Castiglione focused on the fact that in modern democracies increasingly large areas of decision making are being excluded from democratic criteria and procedures. For reasons of organisational efficiency and complex co-ordination, only a very small, and increasingly limited, number of decisions are taken according to democratic principles and procedures. In the last two or three decades, large areas of policy making have progressively been moved outside of the reach of democratic politics and decision making either by (a) allocating increasing power to super-partes guardian institutions, which address problems and make decisions by relying on specialised knowledge and expertise insulated from majoritarian opinions, or (b) shifting decision-making areas outside of or to the margins of the public arena, in particular to complex networks of governance comprising public and private partners at both the national and supra-national level. The increase in guardian and governance institutions tends to weaken democratic influence and accountability in the same way that bureaucracies and administrative institutions do, because they extend the chain of delegation, create monopolies of knowledge and expertise and are not subject to mechanisms of electoral control. At the same time, the demands of complexity and specialised knowledge, and the standards of efficiency and effectiveness faced by public policy making require that an increasingly large number of non-democratic institutions become involved in order to guarantee output and functional legitimacy. Modern democracy is thus faced with a trade off between institutions that promote democratic legitimacy and institutions that promote functional legitimacy. In order to reconcile democratic legitimacy with the existence of guardian institutions and governance networks, Dario Castiglione suggested two basic, complementary strategies:

- to use the diversification of power structures and strengthen instruments of checks and balances, both horizontally and vertically, or create new ones

where necessary, in order to correct the oligarchic tendencies intrinsic to the political system;

- to redress the balance between democratic and non-democratic forms of participation by strengthening mechanisms for internal democratisation and creating new means of democratic accountability, such as, for example, introducing some form of direct political control over some of the guardian institutions.

The proposals outlined in the Green Paper aim to contribute to these strategies, in particular the recommendations for the institutionalisation of “guardians to watch the guardians” and “special guardians for media guardians”. The proposal for guardians to watch the guardians involves the introduction of a new form and mechanism of participation and representation within governance or guardian institutions, by which all guardian institutions, such as central banks or regulatory agencies, would be assigned a “guardian” chosen by a representative institution relevant to their field of activity. The guardians would be responsible to parliament and report regularly on the performance of the respective agency and evaluate its compatibility with democratic principles. Alternatively, they would act as specialised ombudspersons vis-à-vis the public at large and the exchanges with the guardian institution to which they are attached.

With regard to media in particular, there is an immediate concern with their lack of accountability and with the danger that commercial interests are undermining their role of being neutral, objective, balanced and fair. While many countries have already set up independent regulatory agencies, special regulatory agencies may need to be set up to ensure that the former are actually doing their job and have not been “captured” by those they are supposed to regulate, hence the proposal for setting up “special guardians for media guardians”. However, it was also noted in the workshop discussion that media activities are notoriously difficult to regulate through the creation of new institutions. Moreover, the institutionalisation of yet another regulatory agency raised the objection that it would potentially create an endless chain of guardianships, thus ultimately defeating its own objective.

From the workshop discussion, two additional key areas of concern emerged: the functioning of political parties and the financing of political parties and campaigns.

The functioning of political parties. While the electoral arena and the fairness of inter-party competition are often key objects of democratic monitoring, there is an obvious need to shift our attention to intra-party dynamics. The workshop expressed a more or less general consensus that problems in this regard involved the lack of citizen involvement in party activities, political disengagement and discontent, a lack of internal party democracy, and a loss of political aggregation by parties as a result of emerging single-issue organisations in civil society. However, it is uncertain how internal party democracy and accountability should be achieved, especially as these conditions are difficult to attain through legislation. A suggestion was made to oblige parties to organise internal primaries for internal party offices or candidates for public office. At the same time, there were doubts

about the potential of primaries to genuinely contribute to internal democratisation and accountability.

The financing of political parties, candidates and election campaigns. Virtually all workshop participants agreed that political finance is increasingly problematic in modern democracies, especially as the cost of politics is spiralling out of control and practices of illicit financing are undermining the legitimacy of political parties and politicians. Some of the workshop participants sympathised with the idea of introducing vouchers for financing political parties and election campaigns, thereby shifting responsibility for the allocation of public funds from the state towards citizens, although scepticism was expressed on whether this would have the potential to increase participation.

On the second day of the workshop, two concrete projects aiming to improve democratic practice were discussed. In a judicious appraisal of the way in which non-governmental organisations uncritically use the Internet to mobilise grass-roots support, Stuart Shulman raised important questions about the limits of the Internet to strengthen democracy from below. He focused on: whether “virtual” input and deliberation make democracy any more “real”; identifying the point at which an increase in relatively poor-quality information threatens to inundate and obliterate more thoughtful contributions; and when and to what extent does the Internet contribute to input overload and hence prove to become counterproductive.

In the second contribution of the day, Bjarke Bøtcher addressed the workshop in his capacity of representative of the Council of the Baltic Sea States, which has a long tradition of evaluating democratic best practice and providing democratic assistance. Highlighted in particular was the institution of a “commissioner” on democratic development, whose activities would range from organising seminars on good lawmaking and governance and the role of NGOs through to publishing analyses and recommendations on the state of democracy and the weakening position of national parliaments. His proposals concentrated on strengthening the role of the Council of Europe as a forum for information exchange on democratic practice and as an agent for the promotion of democratic reform.

The purpose of the Green Paper, the Barcelona Conference and this workshop was to reflect on new rules and institutions which could change existing power relations and entrenched habits, hopefully creating a virtuous circle and mutually reinforcing dynamics. As Dario Castiglione argued, the proposals in the Green Paper are not science fiction, at least not in the way that that term is conventionally understood, meaning ideas which are practically or technically unrealistic because we lack the means to implement them. They are challenging in that it might be difficult to image or implement them because they undermine existing and entrenched power relations and vested interests, and because they go against established habits. As one of the participants in the workshop pointed out, it will take courage to implement these changes.

DELEGATION, INSULATION AND DEMOCRATIC POLITICS

Workshop 1 presentation

DARIO CASTIGLIONE

Georgetown University, Washington, DC

University of Exeter, United Kingdom

The main aim of our meeting in Barcelona is to assess both the analysis underlying the Green Paper on *The future of democracy in Europe – trends, analyses and reforms* and the practical proposals it advances for strengthening democracy in Europe. The Green Paper must be read against the background provided by the other text here for discussion, *Developing democracy in Europe – an analytical summary of the Council of Europe’s* *acquis*, which assesses the Council’s *acquis* on democracy and its work in promoting both democratic principles and practices across Europe. The latter gives us a sense of the Council’s historical contribution to strengthening democracy, while the Green Paper invites us to deal with democracy’s present and future challenges and the kind of contribution that the Organisation may offer in facing them. The three workshops in which our proceedings have been divided deal with different aspects of democracy, and with the particular reforms that the Green Paper suggests for each of these aspects. While Workshop 2 deals with the role of the citizens and civil society in democracy, and Workshop 3 with the selection process of the political representatives, our own Workshop 1 deals with the way in which the political representatives act in their function of leaders and rulers, and the kind of decision-making institutions and procedures operating in our democracies.

I shall concentrate on some of the proposals that pertain to the central topic of our workshop. I shall focus particularly on the following: “Guardians to watch the guardians” (No. 12),²³ “Special guardians for media guardians” (No. 13), “Freedom of information” (No. 14), “A ‘yellow card’ provision for legislatures” (No. 15), “Intra-party democracy” (No. 21) and “Vouchers for financing political parties” (No. 23). However, before I start dealing with them, I would like to say a few words on some more general issues that emerged in the plenary session.

A number of speakers raised the question of whether the proposals put forward in the Green Paper are feasible. As someone put it, they look like science fiction. The question of feasibility is indeed an important one, and we should therefore address the preoccupations raised already. There are three different ways in which it could be argued that institutional reforms may be unfeasible. One maintains that such reforms are not feasible because they presuppose an unrealistic configuration of

23. See the Appendix for the reform proposals.

either material or subjective resources. In other words, they may assume a technological level that is neither achieved nor achievable in the short term. Or, they may assume a level of human capacity (or virtue) that is demonstrably unachievable by the average citizen. I do not believe that any reform proposal listed in the Green Paper fails this test. Even those concerning the use and diffusion of new technology are far from being science fiction, for indeed some of them have already been widely experimented.

A second way in which one may impugn the feasibility of institutional reforms is to maintain that they pose a challenge to well-entrenched relationships of power, which are unlikely to be subverted. This would make them unfeasible because the strong resistance put up by the endangered powers would either stop them from being approved in the first place, or would prevent them from being put into practice in any meaningful way. Although it is true that the reforms proposed in the Green Paper are meant to shift power towards the citizens, none of them, in itself, seems so radical as to require a revolution in democratic societies. Undoubtedly, depending on particular national contexts, each of them may give rise to strong resistance from some quarter, but, on the whole, they are not unfeasible in that sense.

It could be argued that the reforms are unfeasible in a third sense, which may perhaps explain some of the reactions to the reforms such as those voiced in the conference debates. This suggests that something may be unfeasible, mainly because it is unfamiliar or, in other words, because it challenges some rooted ways of thinking about politics or some political habits and conventions. I think that, in this third sense, there may be a *prima facie* charge of unfeasibility against some of the reforms proposed in the Green Paper. But this is a very relative sense of being unfeasible, for habits, conventions, and ways of thinking change dramatically from place to place, so what may seem unfeasible in one place will not in another. Moreover, it is partly true that some of the reforms proposed in the Green Paper have been thought out precisely with the intent of contributing to change certain mental habits which in our view²⁴ jeopardise the future of democracy. What is important is to find a way in which the introduction of some of these reforms may contribute to changing the habits of citizens and rulers in such a way as to make the introduction of other reforms possible (that is more feasible), thus producing a virtuous circle between new institutions and new habits in European democracy.

This takes me to the second preliminary point I wish to raise. It concerns the “logic” of the reforms suggested in the Green Paper. As some have remarked, the text does not establish any temporal priority between the different reforms; nor does it suggest a kind of lexical priority, so that one may regard some reforms to be more important than others. In fact, the reforms listed in the text should not be regarded as a blueprint for a democracy of the future, but as a list of piecemeal improvements to our current democratic practices. As such, they can be implemented in any particular order, depending also on the particular context in which

24. *Ed. note:* Mr Castiglione was one of the authors of the Green Paper.

they may apply. Although piecemeal, they, however, can be grouped in different clusters intended to address a series of challenges that modern democracy faces.

Coming now to the group of reforms I intend to discuss, these can indeed be divided into two clusters, both aimed at counteracting the oligarchic tendency that is partly intrinsic to modern democratic regimes. Since the emergence of modern forms of representative democracy at the end of the 18th century, there has been a powerful current of thought that has insisted on the importance of correcting the more populist tendencies in democratic government with the institutionalisation of roles and positions representing the more “thoughtful” and more “knowledgeable” parts of society. Representation itself was seen as part of such a strategy to “tame” popular democracy, by giving greater weight to the educated elites. This aristocratic bias was further accentuated by the development of state bureaucracies and the professionalisation of politics particularly through the greater role assumed by modern parties in the selection and conduct of government. However, both professionalisation and parties’ dominance tend to produce a system more inclined to elitarian and oligarchic politics than to a democratic regime where citizens have roughly equal chances of influencing decision making.

The two clusters of proposals in the Green Paper which I intend briefly to present are therefore concerned with correcting the oligarchic tendency in democracy, which in the last few decades has tended to increase rather than abate. Indeed, large areas of policy making have progressively been moved outside the reach of popular control and direct accountability by two overlapping developments, which can be described as the politics of delegation and the politics of insulation. The former concerns the growing number of decisions that are delegated to non-majoritarian institutions in society, while the latter the way in which political institutions, such as the parties, are insulated from the people at large. Proposals Nos. 12 to 15 deal with the politics of delegation, while proposals Nos. 21 and 23 with the politics of insulation.

As far as the insulation of parties from control and accountability is concerned, this has been widely studied and discussed, so I do not dwell on it. The only thing I may wish to add is that the so-called practice of the revolving doors, that is of people who move directly from positions of responsibility in the public sector to similar positions in the private sector (and vice-versa), has increased the rent opportunities for the political class as a whole and for parties in power in particular. Two proposals contained in the Green Paper are therefore aimed at strengthening democracy both within the parties (proposal No. 21) and in the party system as a whole (proposal No. 23). The latter proposal in particular is meant to increase the options available to citizens and refine the signal mechanisms provided by elections. Citizens who may be unsatisfied with a party with which nonetheless they identify (either for general reasons or for lack of credible alternatives provided by the system) would be in a position of expressing their main electoral preference, but also to send a signal to the party for which they vote, making it clear that they demand greater responsiveness from the party they support.

The politics of delegation and what it means in contemporary democracies may need some explanation. This has taken place in two different ways: either by the allocation of power to super partes roles and non-majoritarian institutions, or by shifting decision-making areas outside (or at the margins of) the public arena. These developments represent two different sets of constraint on political democracy.

One development operates *within* the political system, by shifting decision-making powers from institutions that are more directly representative of and accountable to the citizens, to other institutions that are less so. In principle, and to a certain degree, democratic institutions represent the interests and preferences of citizens, as they themselves or their representatives understand them. The function of guardian institutions is instead to address problems and make decisions by relying on specialised knowledge and particular expertise, which is insulated from majoritarian opinions.

The other development operates by moving decisions *outside* of the political system. This is accomplished either by the exclusion of areas of decision making from the public arena (as in the case of the privatisation of public utilities), or by the fact that many issues are decided by agreements within complex networks of governance comprising different public and private partners at both the national and the supra-national level. As a result, political responsibility is strongly diminished, for decisions cannot be attributed to anyone in particular, while the state and public institutions increasingly function as regulators, relying as much on indirect regulation (through information, bench marking, persuasion and incentives) as on direct regulation (through rules, legally binding standards, and command and control techniques in general).

The general result of the increase in both guardian institutions and networks of governance is a shift in the balance of public and collective decision making from politics to administration, from democracy to technocracy, de facto reducing the space for the citizens' voice, influence and control. Some of the proposals we advance in the Green Paper are therefore meant to redress the balance between democratic politics and the politics of delegation. They do this in two main ways: one, of a more direct kind, aiming to redress the balance between democratic and non-democratic forms of legitimacy and participation; the other, more indirectly, by diversifying power structures in order to introduce further instruments of checks and balance. Each of these strategies can be further articulated. The direct strategy can try either to reintroduce some form of direct political control over some of the guardian institutions (this is often predicated regarding the role central banks); or devise mechanisms, other than electoral control, through which to guarantee popular influence on, and the accountability of, the guardian and governance institutions. Our proposal for "guardians to watch the guardians" and for "special guardians for the media" can be institutionalised by following both strategies at the same time.

The indirect (or checks and balance) strategy can also be developed along two different (though complementary) directions. On the one hand, by promoting insti-

tutions that operate *vertically* by ensuring the citizens' voice or other forms of vertical accountability. On the other, by promoting a system of *horizontal* checks, based on the reciprocal vigilance of guardian and representative institutions. Proposals for a system of "yellow cards" between different levels of government suggest a vertical strategy, so does the suggestion to have ombudsperson-like guardians operating within regulatory institutions. The presence of representative members of different political institutions (government, parliament, and so forth) within the governing bodies of public guardian and regulatory institutions (such as central banks or public broadcast boards) may suggest instead a more horizontal strategy. None of them in isolation is the perfect solution, but, in combination, they may increase popular control and accountability in decision making.

I conclude with a few words on the "freedom of information" proposal. An increase in complexity, and in organisational and technological power has made information an important commodity and a fundamental instrument of power. Because of asymmetries of information, nowadays governments and corporations are much more powerful than individuals and citizens. Freedom of information is therefore meant to redress this balance by creating a presumption that all information of public relevance is open and easily accessible to the public, while information that governments, other authorities and private corporations have on particular individuals should be equally open and accessible to them. Information is important for the exercise of citizens' democratic rights, since it crucially affects choice. Information determines both the ability to decide and the way in which citizens form their preferences. Without information, or with information that is inadequate, citizens cannot make informed choices on either policies or in the selection of their rulers.

In a democratic society, freedom of information is also important as part of a deliberative public sphere (through which public opinion is formed), for the political education of the community, and to maintain citizens' trust in public authorities, which a culture of secrecy or of discretionary power undermines. In a democratic society, effective freedom of information therefore requires:

- that there should be a *prima facie* presumption for information of public relevance to be open and easily accessible to everyone. (This excludes discretionary powers, while putting the onus of proof on those who wish to withhold information.);
- that public records (or information of general interest held by private companies) should be kept in such a way that they are easily accessible to the public and that the administrative costs for disclosure of information are kept low, so as to guarantee equality between citizens and not to discourage reasonable requests;
- that information regarding particular individuals should be fully open and accessible to them at no significant cost.

Naturally, freedom of information should be implemented in such a way as to maintain security, commercial secrecy and privacy. But the implementation of these principles should not be detrimental to the presumption that information of

public relevance should be open and accessible. In our proposal we stress the importance of a “right” to information, but we also make it clear that what matters is not the simple legal establishment of such a right, but its implementation through policies intended to make it available across society.

In conclusion, whether or not our particular proposals are the right ones is of relative importance. What matters is to find ways in which we can check some of the recent developments towards delegation and insulation in democratic politics, thus making sure that the citizens’ voice can be heard for all those decisions affecting their own lives.

REGIONAL DEMOCRATIC DEVELOPMENT – EXPERIENCES FROM THE BALTIC SEA REGION

Workshop 1 presentation

BJARKE W. BØTCHER

Council of the Baltic Sea States

The Council of the Baltic Sea States (CBSS) is a relatively small, regional and international organisation in the north of Europe, comprising eleven member states situated around or close to the Baltic Sea. The European Commission also participates as a member. The CBSS Secretariat is based in Stockholm.

The Council of the Baltic Sea States was established in 1992, and has gradually increased its spheres of co-operation to encompass a broad range of issues, ranging from democratic institutions to education, through to economy and transportation. The council meets biennially at the level of foreign ministers and at the level of heads of state. Sectoral ministers meet regularly and in-between the ministerial meetings, and co-operation takes place in a number of working groups.

I will focus on the Working Group on Democratic Institutions (WGDI) and the efforts of the council in the field of democracy, as this is the theme of our conference. The working group was established in 1992, and will celebrate its 12th anniversary this year. According to its terms of reference, the Working Group on Democratic Institutions studies and makes recommendations on ways to promote democratic values and principles, and supports the development of democratic institutions in the Baltic Sea region by:

- sharing experiences particularly relevant to the rule of law, civil society, transparency in administrative practices, access to information and local democracy;
- launching and overseeing concrete projects to strengthen democratic institutions, covering technical assistance; good governance; local self-government and good lawmaking; promoting people-to-people contacts; and cross-border exchanges in the region.

The working group maintains close contacts with relevant working structures in other organisations at national and sub-national levels in the Baltic Sea region to avoid duplicating efforts and to ensure harmonisation and synergy of activities. The working group activities are supplemented by “expert” activities, such as conferences, workshops and seminars. The chairmanship rotates among the CBSS member states on an annual basis. Estonia holds the Chairmanship in 2004-05, to be followed by Sweden.

During its twelve years of existence, the working group's tasks have varied considerably. In the beginning, it rendered assistance to the newly created democratic institutions in the Baltic states, Poland and the Russian Federation. The group later worked on minority standards. Recently, its focus has shifted, and it now concentrates more on setting-up co-operation between different democratic institutions such as ombudspersons, and on problem issues confronting all of the member states such as a growing democratic deficit, low election turnout, children in prison, pre-trial detention and so forth.

Its work has also led to more systematic opportunities for policy transfer, and exchanges of best practices throughout the member states.

One of the working group's most important achievements was the setting-up of the Commissioner on Democratic Institutions and Human Rights, including the Rights of Persons Belonging to Minorities, in 1994. In 2000, the mandate was revised, and the title of this post was changed to Commissioner on Democratic Development. The commissioner was an instrument to promote and consolidate democratic development in the region. The institution of the commissioner was closed following a political decision at the end of 2003. Some of its most important work included good governance and good lawmaking seminars for parliamentarians, for which practical handbooks were published. Furthermore, the commissioner also initiated work on pre-trial detention, the rights of NGOs to influence the legislative process and many other issues.

I would like to mention *Power in transition*,²⁵ one of the last publications from the commissioner's office. This book was the outcome of a project similar in spirit to "Making democratic institutions work", or at least it was founded on similar concerns about the present state of democracy in Europe. The book investigates the relations between parliaments and governments in the eleven Baltic Sea states, and describes constitutional and other changes which have affected the division of powers between these two branches.

The study finds that parliaments have actually lost influence in recent years due to globalisation, Europeanisation in general and European Union integration in particular, as well as to domestic factors, such as privatisation, outsourcing and decentralisation. It argues that government's increased involvement in legally binding international regimes and co-operation at supra-state level has affected traditional concepts of the division of powers. In this context, a main concern is the lack of systematic exchange of information between governments and parliaments with regard to foreign policy.

At the same time, governments in many countries have been strengthened. All together, this may have led to a weakening of the powers of parliament. However, this is usually not easy for parliamentarians to admit, who often tend to be perceived as powerful persons.

Power in transition makes a number of recommendations, and points to the need to ensure that democratically elected representatives be given the right to super-

25. Available at <http://213.115.141.245/surveys/PDF_Documents/power_in_transition-2nd-edition.pdf>.

wise state policy in all spheres in order to prevent any exacerbation of the democratic deficit and avoid a substantial shift of competencies from the legislative to the executive branch of power. In conclusion, the book underlines the need for ongoing discussions and in-depth exchanges of information and experience.

This Council of Europe conference on *The future of democracy in Europe* has discussed the fact that citizens seem to have lost, or at least have less confidence and interest in parliamentary democracy in its traditional form. This can be seen by the large percentage of abstentions at elections and by the low level of participation in party elections.

However, the conference has not considered whether this can be fully or at least partially explained by the fact that parliaments in recent years have lost influence, and therefore are not as important to the public as they used to be.

We have discussed the Green Paper on *The future of democracy in Europe – analyses, trends and reforms* and its interesting and challenging proposals. However, I believe that there is another paper which deserves attention, namely *Developing democracy in Europe – and analytical summary of the Council of Europe’s acquis*, which we have all received. In Chapter 2, in the section on democratic challenges, the authors discuss whether the changing of the political repertoire would lead to peripheral or irrelevant democratic institutions. The argument is that due to globalisation, many new movements are more concerned with the behaviour of multinational companies or other issues that cut across national boundaries. Thus when discussing the democratic deficit, we also need to look at parliaments themselves, and the changes that they have undergone.

The chair of this conference asked me to make a concrete proposal or provide input to the Council of Europe’s 3rd Summit of Heads of State and Government to be held in Warsaw. I propose that the Council become an information exchange centre and a place of inspiration for democratic reforms across Europe. Thus the Council of Europe would be a forum for democratic reforms initiated in the member states at either the local, regional or national level and could consider providing assistance for democratic experiments, by identifying suitable municipalities, counties or countries, and if necessary also assist in co-funding these projects from the beginning.

I also would recommend looking more closely at proposal No. 26 in the Green Paper (see Appendix) on electronic monitoring and online deliberation systems, which could allow NGOs, for example, systematic access in order to comment on the legislative process. I would also recommend studying the experiences of both Estonia and Finland in that respect. It appears that such systems are useful, but also run the danger of overloading civil society organisations, which as a result are becoming more professional, and consequently no longer perceived by citizens as being part of civil society.

Lastly, I congratulate the Council of Europe for publishing the Green Paper, which so successfully describes the challenges facing European democracy, and I express the hope that the issue of democracy will remain high on its agenda in the years to come.

WORKSHOP 2: CITIZENSHIP AND PARTICIPATION

Report

CECILIA ERIKSSON

Ph.D. student in political science

Örebro University

Sweden

This paper is a short summary of the discussions held in the Workshop 2, which dealt with citizenship and participation in general, as well as some of the proposals put forward in the Green Paper.

First, I will discuss the workshop's emphasis on citizens as the fundament of democracy, and then deal with two aspects of participation that were given particular attention in the discussions: the fact that participation tends to be unequal, and that people need to believe beforehand that their participation will be significant. Discussions about specific Green Paper recommendations are included in these sections. The next part highlights some of the areas that the workshop found particularly important to consider when discussing citizenship and participation. A very short summing up finishes the paper.

Foundation – citizenship and participation as essential to democracy

The point of departure for the discussions in workshop was that citizenship is the fundamental dimension of democracy. This basic aspect is important to always keep in mind with regard to all political institutions at all political levels: without citizens, there can be no democracy. And as Philippe C. Schmitter put it, citizenship is not only a passive concept – in terms of rights, it has an active dimension where citizens are expected to play a participatory role.

The general opinion among the members of the workshop seemed to be that what characterises an improved democracy is not only the possibility of participating, but actual participation by as many citizens as possible. This calls for considering the circumstances that favour commitment and the conditions that keep people from participating.

Unequal participation

The importance of equality as an aspect of participation was highlighted in several contributions. It is a known fact that some groups and segments of society – mainly the economically and socially better-off – are more committed than other

groups to political participation. Daniel Gaxie, one of the Green Papers authors, pointed out that the current trend of decreasing participation tends to widen the gap between those who are active and those who are passive – that is between the advantaged and the disadvantaged groups. This problem is one that needs to be dealt with, and the widespread feeling of “we don’t have a voice” has to be fought. Democratic participation must attract all members of society if democracy is to benefit.

Education: “learning by doing” to improve, enhance and equalise participation

Many of the participants saw civic education as a key tool for improving, enhancing and equalising political participation. Education is something that can contribute to a wider understanding of politics, and make people realise that it is not only about politicking, but indeed also concerns ideas, principles, problem solving, programmes, debates, discussions and so forth. Education can also encourage critical thinking and create more informed citizens, and independent and well-informed citizens are more likely to participate in the political processes of democracy.

The concept of learning through experience was established as an important but not the only way to gain an enhanced understanding of politics. Children, youth and schools were given special attention in this discussion. The promotion of democratic practices was seen as particularly desirable. Several interesting practical examples from different political levels such as youth parliaments, young people’s workshops, non-traditional education programmes and various democratic practices within schools were also presented.

The workshop also discussed the possibility of having some sort of education for politicians to enhance participation. “Political thinking” might have to be adjusted in order to really “let the citizens in”.

Views on other Green Paper proposals

Out of the reform proposals presented in the Green Paper (see Appendix), democracy kiosks (No. 6) was perceived as having the potential to promote a better understanding of democracy and politics, thereby favouring participation. Increased access to public information was also underlined as a way to facilitate active citizenship. The more ambitious proposal of civic service (No. 10) was also mentioned with interest.

A slightly different version of the citizen mentorship proposal (No. 7) came up during the workshop. The idea was to launch a citizen mentorship project within new democracies, particularly in remote areas where people might still be uncertain of their role and rights as citizens.

Meaningfulness: participation worth the effort

Another prominent theme was something that could be labelled “meaningfulness”. This is related to what was also referred to as the “fun factor” during the

conference. If people are to engage in political activity, they must have the feeling that their efforts have meaning – that they make a difference. Engagement has to be perceived as a chance to really influence society. At minimum, it must give people something back as individuals, such as having “fun”, for example.

Discussions also touched upon the question of freedom and human rights. Only people who feel truly free participate in and contribute to the creation of society. To strengthen and protect human rights and to fight discrimination is therefore very important for democracy.

Some proposals from the Green Paper and other activities that accentuate meaningfulness were discussed in the workshop. Some workshop members saw participatory budgeting (No. 18) and citizen assemblies (No. 19) as promising activities.

Concrete experience based on work with randomly selected citizen juries was also presented. Deliberation and motivation – a real chance to influence politics were seen as fundamental to the success of the projects that have been carried out so far. Local and regional settings have until now been the arena for this type of decision making, but the potential is there to use their methods at national or even European levels. However, the problem of language would be a challenge at the latter level.

One of the proposals aiming at taking the “fun factor” – or as it has been called here, meaningfulness – into consideration is the idea of lotteries for electors (No. 3). However, this idea did not seem to appeal to the workshop. The risk of bribery and corruption, and the fear that it might be perceived as degrading for citizens, were some of the critical objections. Some criticism was also levelled at the idea of introducing vouchers for funding civil society organisations (No. 22).

Need for special consideration

Some areas in need of particular consideration and awareness kept coming up in the discussions. First, a number of participants stressed the importance of thorough and regular examining of the purposes of reforms, as well as of the potential effects of every good idea. What is to be achieved? What are the likely effects of a reform? Which unintended consequences can be expected?

A second matter that needs attention is context. Differences both within and between European democracies should not be neglected. Values, resources, living conditions, local traditions and experiences – for example of one-party rule – have an impact both on the kind of reforms needed and on their potential effects. The picture is not the same everywhere. Different contexts constitute different frameworks and the problems, as well as the possibilities of launching reforms, consequently differ.

The workshop participants also called attention to an overemphasis on state- or Council of Europe-initiated projects, which runs the risk of creating empty palaces. A bottom-up perspective on participation is also needed.

Participation as voluntary or as an obligation was a fourth line of discussion. There is a tension between the ideal of participation as an expression of citizens’ free

will, and the desire that everyone participates. Voluntary participation meets the first criteria, while more or less compulsory participation might be the only way to ensure that all citizens have an equal chance to influence politics.

Finally, as mentioned above, one of the most frequent themes in the discussion was the problem of inequality. One of the risks of trying to enhance participation is that such projects often attract people who are already influential in society. As one participant put it, the pupils participating most actively in learning by doing projects at school, are often the ones that will become tomorrow's elites anyway. Despite good intentions, the result of some of the reforms might be an increased gap between privileged and less privileged citizens. This is perhaps the most important and perhaps the most difficult thing to keep in mind when trying to reform the rules of the game.

Conclusion

To conclude, civic education and the need for meaningfulness were the main topics of discussions on how to increase political participation. The workshop found some proposals in the Green Paper – particularly the principle of “learning by doing” attractive in this respect, while others, such as lotteries for electors, were viewed with greater scepticism. Several interesting examples of local, national and European experiences were presented. The participants also stressed the need for contextual consideration of a bottom-up perspective, the tension between engagement as voluntary versus engagement as an obligation, and the question of how to tackle inequality. The latter is perhaps the most important and the most difficult to handle when aiming to make citizens more active in a democracy. Education, safeguarding human rights and fighting discrimination are also part of this difficult task.

SWEDISH DEMOCRACY POLICY – STRATEGY FOR SAFEGUARDING AND DEEPENING DEMOCRACY

Workshop 2 presentation

MARCUS BENGTTSSON
*Department of Justice
Sweden*

During this conference we have heard about the contradictions that characterise our democracies. In the Swedish version of this, you will find on the one hand an increased interest in politics; an increased belief in democracy's influence on our everyday lives and circumstances; that the gap between women and men's active involvement in politics is diminishing; that moral commitment to voting is relatively strong; that non-traditional forms of participation are increasing; and that Sweden has very good technical platforms for the use of information technology (IT) in the democratic process. On the other hand, access to political resources is very unequally distributed among the Swedish population and unequal citizen participation remains and is even increasing in some respects. Traditional political life is becoming an upper middle-class concern, and there is a downward trend in terms of the party identification and a decline in membership levels in associations that are part of the traditional, organised, community-activity sphere. We also notice that the digital gap is widening.

This presents a multidimensional picture of the way our democracy has developed and functions, and it means, among other things, that we put measures and activities in place without always placing them in a broader context.

To be able to deal with these contradictions, we needed to consider introducing a strategy which would:

- put democracy on the political agenda and give it high political priority;
- co-ordinate and integrate the Swedish Government's "Democracy policy"²⁶ with other political policies;
- clarify the link between objectives in different policy areas;
- focus attention on the need for resources and tools that should be used;
- make it possible to have more thorough follow-up of the development and conditions of democracy;
- provide the parliament with important information and feedback;
- support an on-going contribution to the democratic debate.

26. Ministry of Justice fact sheet Ju 04. 18, December 2004.

So what is the content of the democracy strategy in Sweden? Let me describe the priorities and main thrusts of the policy.

There is a mutual dependence between human rights and democracy. Human rights define some of the basic parameters for democratic governance. Over the years, the international community has become increasingly convinced that human rights are indivisible. This means that economic, social and cultural rights interact with and are mutually supportive of civil and political rights.

People who are socially, economically or culturally marginalised are usually less able to claim their civil and political rights. Social and economic injustices lead to inequality in political participation and to political alienation. Realisation of human rights is crucial to peoples' chances of assuming control of their own lives – otherwise known as empowerment.

The “Democracy policy” in Sweden seeks to facilitate and encourage citizen participation, and has three fundamental aims:

- to eliminate obstacles to participation;
- to create opportunities for greater participation on more equal terms;
- to strengthen the basic conditions for participation.

Government action will be based on the goals outlined in the Democracy Bill²⁷ in the government communication “A Swedish human rights action plan”²⁸ and in the “Policy for democracy”.²⁹ In its on-going work, the government intends to place still greater emphasis on the importance of political participation between elections and the need to view citizens' participation from a civil rights perspective. This means that the goals of the strategy will be:

- increased voter turnout;
- an increase in the number of people who have held some form of political appointment or position at local government level at some time in their lives;
- the creation of more and better opportunities for citizens to participate in and influence the political process;
- greater and more balanced citizen participation between elections, meaning that a greater proportion of women, young adults, people with disabilities, people from foreign backgrounds should participate in the political process;
- to secure full respect for human rights;
- to clarify the importance of the additional level of political influence that European Union membership represents.

To adopt a rights perspective is to declare that the central government should do more than ensure that people take part in elections and become elected representatives. Adoption of such a perspective also means that central government must to a certain extent take action to encourage participation among individuals who are

27. Government bill 2001/02:08.

28. Ministry of Justice fact sheet Ju 03. 09e.

29. Written communication – Government Communication 2003/04:110 Policies for democracy.

usually excluded or exclude themselves from political life. A rights perspective further means that the government must base its priorities on human rights when choosing between different courses of action to increase greater participation. The human rights principle enjoins the state to combat segregation and marginalisation and encourage the active political participation of all sections of the community.

We need citizens who have a greater chance of assuming control of their own lives – of turning powerlessness into empowerment. We need instruments designed to provide citizens with the means to participation. These instruments can be:

- legislation: bringing about improved possibilities, removal of hindrances;
- information: increasing knowledge and change of attitudes;
- financial support: encouraging new forms of participation;
- a system for monitoring the implementation of measures and evaluating democracy policy.

In the Democracy Bill and the “Policies for democracy”, several measures and activities are proposed, including their implementation and evaluation. This government communication is an integral part of the system and is divided into two principal sections.

The first presents a detailed account and analysis of the development of Swedish democracy from 2002 in the light of goals established as part of a national strategy for safeguarding and deepening Swedish democracy. It also includes a report on actions taken and if the outcomes of these measures are already known, the extent to which they have contributed to long-term efforts to achieve these goals is discussed.

The second part concerns the future direction of the government’s democracy policies, as has been described earlier in my speech.

Finally, what about the strategy and its conditions? We must always keep in mind that a democracy policy on its own does not produce democracy, but constitutes a basis, among other things, to keep the democratic debate alive. I would also like to emphasise the importance and responsibilities of political parties, and that it is what is in politics that really counts.

CITIZENSHIP AND DEMOCRACY

Workshop 2 presentation

GRETA BILLING

*Council of Europe Steering Committee on Local and Regional Democracy
Norwegian Ministry of Local Government and Regional Development*

Citizenship and democracy has been on the agenda of the Council of Europe Steering Committee on Local and Regional Democracy (CDLR) since 1997. I had the honour of being chair of the CDLR's expert-committee on democratic participation, which twice examined this issue, once in 1998 and then in 2004, and took stock of the situation in member states. The expert committee was assisted by Gerry Stoker from the University of Manchester.

The Barcelona Conference will make an important contribution to this work, which the CDLR will continue in 2005. There have been two other Council of Europe conferences related to citizenship and democracy recently: "Strengthening local democracy and participation in a changing world" (Oslo, 30 September-1 October) and the South-East European regional ministerial conference on "Effective democratic governance at local and regional level" (Zagreb 25-26 October).

In my view, this high level of activity, with several conferences addressing the issue of democratic participation, gives due recognition to the importance and current relevance of this topic. Holding discussions in several forums across Europe will give us a better, shared understanding of the challenges involved and new ideas for follow-up actions.

Let me take one step back, and inform you on the work of the CDLR in this field, and the conclusions reached.

The first expert committee initiated by the CDLR on the subject was established in 1998. The aim was to analyse the situation in member states, and the reasons for which people were seemingly losing interest in local public affairs. One indication of this was the worrying sign of decreased turnout in local elections in all countries. The mandate for the expert committee was to investigate examples of existing good practice and measures that could be used to strengthen the link between citizens and local authorities. The key questions examined by the committee were: Are local politics still relevant in a global age?; Have people become more self-absorbed and less interested in collective action?

The conclusions reached were that, first, citizens' participation in local politics is not declining but is changing in form. People have become more interested in direct forms of participation and in new forms which are more flexible and second, a wide range of approaches and measures are available for encouraging democratic participation.

In 2001, the Committee of Ministers adopted Recommendation Rec(2001)19 on the participation of citizens in local public life, which recommends that member states frame a policy for participation, invite local and regional authorities to subscribe to the principles in the recommendation and take any measures within their power to promote citizens' participation. This recommendation seems to have become a monitoring instrument for many countries and has inspired the setting-up of new measures to enhance citizens' participation both in elections and between elections. Now part of the Council of Europe's *acquis*, the recommendation, along with its explanatory memorandum, can be accessed on the Organisation's website³⁰ as well in the Loreg database, where it can be found in several national languages

In 2004 a new expert group was formed to take stock of the situation. Had there been any changes since 1998? Had we learned anything from experiments tested during over the years? Do we know what works?

What are the findings?

According to the findings of the new expert group, we can distinguish broadly four types of issues relating to:

- participation in general;
- representative democracy;
- participatory democracy;
- capacity building.

Concerning participation in general, there are essential links between local and regional democracy, participation and effectiveness. On the one hand, participation is fundamental for both the health of democracy and for the effectiveness of government. On the other, participation is not possible without democratic guarantees. Nor can it prosper if local and regional authorities do not have the institutional means, and financial, organisational and human resources to deliver the policies and services citizens need and legitimately expect.

Concerning the relation between participatory democracy and representative democracy, it was emphasised that they should be complementary. Representative democracy remains the most equal form of participation. Participatory democracy offers additional valid ways for citizen involvement, but must avoid becoming a channel exclusively for groups and individuals who already hold a strong position in society.

As regards representative democracy, voter turnout for local elections is declining in many of the member states. However, the fact that it is not declining in all member states leaves room for some optimism and provides indications as to the factors that could enhance participation. The recent survey carried out by the Council of Europe on the levels of implementation of the measures proposed in

30. See <<http://www.coe.int>> and <<http://www.loreg.coe.int>> respectively.

Recommendation Rec(2001)19 showed that a significant number of these measures have been adopted by a majority of the countries, in particular those aiming to make voting procedures more convenient and to introduce new ways of voting.

Concerning the issue of participatory democracy at local level, we also found a significant number of new initiatives and experiments, such as introducing the right of initiative; setting up user boards to determine citizens' expectations and deal with complaints; bypassing media and using the Internet for direct communication with citizens; and setting up citizens' juries. Several countries are trying out measures on an experimental basis and making use of pilot schemes.

As I pointed out before, participation is strongly linked to effectiveness and for local and regional authorities to be effective, they must have the necessary capacity in terms of the laws, institutions and resources. Capacity-building projects are underway across the continent involving national and local authorities, local government associations and citizens themselves. The Council of Europe is actively involved in projects to make this work more sustainable and effective.

Another very important finding concerns evaluation. Debates on negative and positive effects, particularly as concerns participatory democracy, continue. However, we still know relatively little about what really works. There have been many new initiatives and projects, but few hard facts about the outcomes of citizen participation processes. Evaluating the effectiveness of participation instruments requires much more attention, not just after their adoption and implementation, but as an integral part of policy making. This kind of evaluation will require close co-operation from the outset between policy makers, practitioners and researchers.

To sum up: the findings of recent CDLR studies show that citizen's involvement has been underestimated. Participation is fundamental in itself if we are to have healthy democracies, and if government is to be effective. Citizens' participation is a critical factor in making democratic institutions work, and there is not a gap between participation and efficiency – there is a link.

New reform projects on decentralisation, capacity building or modernising initiatives need both political will from the top and the involvement and understanding of citizens to become successful and effective.

Surveys of trends conducted in a number of countries show that participation is becoming more individualistic and consumer-like. People tend to become involved in new forms of participation in local public life. This poses a challenge for local, regional and national authorities to develop new forms for participation and dialogue with their citizens.

So what is to be done? First of all, the CDLR studies, as well as other studies, indicate that many initiatives are being carried out across Europe, and we must continue this work. We must continue introducing, developing, evaluating and improving participation. We must clarify the role of the various actors, citizens, civil society, central government, local and regional authorities and their associations, elected representatives and political parties. In addition, we must:

- sustain and where appropriate strengthen the capacity of local authorities, as provided for in the European Charter of Local Self-Government which states that “ local self-government denotes the right to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population”. This pertains to the legal framework, the institutional structure and the financial, organisational and human resources;
- continue efforts to implement Recommendation Rec(2001)19 by framing and developing policies in the field of participation, particularly through experimentation and pilot-projects;
- focus on evaluating how effective policies are, and improve our diagnostic tools. Researchers, policymakers and practitioners must be encouraged to work together.

The role of central government and of the regions in federal states is to enable local and regional authorities to carry out their tasks by establishing the necessary legal and financial frameworks. Support for new initiatives needs to be provided. The initiative for developing democratic participation at local and regional level should lie with local and regional authorities and elected representatives. This means that they should also ensure that systematic evaluations take place and are included in projects from the start. Citizens and civil society must be at the centre of this development work and take on responsibility themselves.

Council of Europe bodies, the intergovernmental sector and the Congress of Local and Regional Authorities of the Council of Europe should continue to monitor the implementation of the Organisation’s standards and explore the need and scope for additional standards in the field of democratic participation at local and regional level. They should develop a sustainable capacity to support full implementation of Council of Europe standards in member states.

They should furthermore provide a forum through which an exchange of information and experience can take place as well as develop the necessary methodology for doing so.

Finally, local and regional authorities can benefit greatly from networking with each other through their national associations and central authorities with a view to developing best practice. The Council of Europe should actively stimulate the creation of trans-European learning networks of municipalities.

The European Charter of Local Self Government celebrates its 15th anniversary next year. The charter is seen as the very cornerstone of local self government in Europe and has been signed by forty-two member states. But at the beginning of the 21st century I would say that the cornerstone of local democracy is – of course – the local citizen. Citizens’ democratic participation in local public life is fundamental for the development and strengthening of democracy at local and regional level. This is essential to make good governance and democracy work at the national and at the international level.

WORKSHOP III: ELECTIONS AND MECHANISMS OF DELIBERATION

Report

VIVIEN LOWNDES
*De Montfort University
United Kingdom*

Introduction

The two sessions of this workshop dealt with a selection of recommendations from Part III of the Green Paper on *The future of democracy in Europe* concerned with elections and mechanisms of deliberation (see Appendix for a definition and explanation of individual reform proposals).

At the first session of the workshop, the reforms were briefly introduced to participants by Dr Lawrence Pratchett and Professor Alexander Trechsel, who were two of the members of the high level group that produced the Green Paper. The aim of the first session was to discuss and evaluate the principles behind the reform proposals, which were grouped into four clusters.

The second workshop session was concerned with existing applications and future practical developments relating to the proposals. A diverse panel from government, academia and the NGO sector provided initial inputs to discussion.

This report will cover the main strands of debate in relation to each of the four clusters of reform proposals.

Cluster 1

Universal citizenship (No. 1)
Discretionary voting (No. 2)
Variable thresholds for election (No. 20)

In relation to No. 1, there was criticism of the assumption that parents casting votes for children would be future-oriented, rather than using multiple votes to further their own immediate interests. Is there any empirical evidence to support the implicit assumption that parents are more socially and politically responsible than others? There was support for extending voting rights to other groups – including denizens and citizens living abroad – rather than simply increasing votes within an already enfranchised group.

Giving votes to children, which are actually cast by parents, could threaten fundamental Council of Europe principles. Nadja Braun (Swiss Federal Chancellery)

reminded the workshop that, according to principles of the European electoral heritage, the suffrage should be: universal, equal, free, direct, secret and personal. Concern was expressed by another participant that the practice of universal citizenship would lead to family voting, in contravention of the “equality” principle.

Martin Eaton (Human Rights Steering Committee, Council of Europe) reminded the workshop that “suffrage is an incident of citizenship, not the other way round”. Reform proposal No. 1 involves changing the nature of citizenship itself, which is a major undertaking. The interpretation of the *acquis* by the European Court of Human Rights has produced much legal learning concerning the nature of citizenship. It is important not to disregard Article 3 of Protocol No. 1.

There was concern that No. 2 would lead to yet more complicated electoral systems, when evidence already exists that politics is perceived as overly complex, and that citizen understanding is low (and decreasing). The inclusion of NOTA (“none of the above”) on ballot forms could undermine the principle of consequentiality – that citizens should understand the outcomes of their choice. Discretionary voting could cause confusion among the electorate and actually depress turnout.

Alexander Trechsel denied the charge, pointing to the sophistication shown by electorates (such as *panachage* voting). He also argued that No. 2 would provide politicians and parties with incentives to improve communication with citizens, and improve understanding of the electoral process as a whole.

Cluster 2

Specialised elected councils (No. 5)

Voting rights for denizens (No. 9)

Discussion revealed that denizens already enjoyed voting rights (No. 9) in local elections in many different member states. There was a challenge as to whether such rights could be scaled up to the level of regional, national or European elections. In relation to both reforms, there was some scepticism as to whether having more elections would address – or simply amplify – the problem of low and declining turnouts. Some participants supported more radical experimentation, for example the selection of representatives by lot.

In relation to No. 5, there was concern as to whether interest groups were best supported outside the decision-making apparatus, so as to maintain their autonomy. If such groups are to be brought into the decision making, there is a choice between a corporatist approach in which group representatives are *inside* the legislative body (such as seats in the Senate) or outside in a separate chamber (elected or non-elected). Patricia Heindl (Vienna University of Economics and Business Administration) took a different perspective, asking participants: “Isn’t Parliament the citizens’ assembly?” Rather than inventing new supplementary bodies, the challenge should be to improve communication between parliaments and NGOs.

Experience in Finland pointed to the difficulty in drawing up specialist electorates to support councils, and then to define the scope of their powers. Finland has a

directly elected Sami Parliament for the representation of its indigenous people, which has some powers and the right to be heard on matters of their concern. There is dispute, however, as to the scope of these powers, especially in relation to land matters. Finland also has an Assembly of Swedish Speaking Finns, which deals with linguistic issues and has no major powers. This is indirectly elected (via local government), which is easier to manage but less transparent.

Thomas Zittel (University of Mannheim) reminded participants that similar bodies already exist in many European countries. The important choices concern (a) how to elect members, for example by function or by lot, and (b) how to link the resultant body into mainstream decision-making processes.

The Swiss experience is interesting in relation to the potential link between frequency of election and levels of turnout. Will having more elections for more different types of bodies actually lower turnout? Swiss people vote three or four times a year but mean turnouts are 25% less than in other European countries. The important point, argued Alexander Trechsel, is that participation in direct democracy (referendums and initiatives) is in practice selective: 10% to 15% of people vote in all elections; 10% to 15% never votes; and the rest make decisions depending on the issue and circumstance. Different people are likely to become involved at different moments. Turnout levels are pretty stable in Switzerland.

Cluster 3

Referendums and initiatives (No. 24)

Alexander Trechsel explained that there has been a sharp increase in referendums and initiatives over the last two decades. Switzerland and Liechtenstein have had a large number of referendums and Luxemburg has had none, but most member states occupy the middle ground. He emphasised that referendums and initiatives should be seen as complementary features of a mature democracy – not as a substitute for conventional representative processes. Referendums and initiatives seem to work best when they are binding, have no quorum for turnout and occur separately from regular elections. It is important to establish the limits of direct democracy, in order to prevent potential abuses by both states and organised interests. There may be an opportunity for the Council of Europe to produce a handbook or code of good practice on referendums, perhaps via proposal No. 28, which calls for the creation of a Council of Europe body for the promotion of democratic reform.

Bruno Kaufmann (Initiative and Referendum Institute, Amsterdam) argued that the rise in referendums may not represent a sustainable trend, given their association with the recent wave of constitutional change across Europe relating to the establishment of democracy in Eastern and Central European states and to the challenge of European integration. Mr Kaufmann also argued that referendums and initiatives can act as a destabilising factor in decision making. There is no necessary link between referendums/initiatives and active deliberation. Mr Kaufmann agreed upon the need for a basic standard for referendums, claiming that there was a lot of poor practice in the area.

Alexander Prosser (Vienna University of Economics and Business Administration) presented the findings of a survey on e-democracy carried out in Vienna. Citizens were asked about their interest in participation via e-voting and e-deliberation. While 37% of citizens were interested in the former; only 6% were interested in deliberation. The survey also asked at what level of governance citizens supported e-participation. The local level was the most popular. Alexander Trechsel confirmed these findings with reference to a similar survey in Geneva.

Cluster 4

Smart voting (No. 25)

Electronic monitoring and online deliberation (No. 26)

Postal and electronic voting (No. 27)

Susanne Caarls (Netherlands Ministry of the Interior) warned against any assumption that e-voting would increase turnout. Turnout had remained stable in e-voting experiments in the Netherlands. Miriam Lapp (Elections Canada) identified potential negative effects of e-voting: it could increase the incidence of family voting and decrease voting secrecy, for example. Reversible voting has been introduced in some member states experimenting with remote voting. In Spain, a citizen can change a previously submitted postal vote by voting in person at the polling station.

Julian Bowrey (UK Office of the Deputy Prime Minister) argued in support of the Council of Europe's recent recommendation on e-voting. The recommendation takes a balanced view in relation to risks and sees e-voting as one method to extend the range of voting channels available to citizens. It was agreed that remote voting should supplement rather than replace conventional means.

Ms Lapp pointed out that most studies show that the convenience of voting is not a major issue in explaining trends in turnout. The big issues concern declining interest in politics and elections, particularly disengagement among young people. Giovanni Di Stasi (Council of Europe) echoed this feeling in his concluding comments: "The technical problem is far less than the political one. People should want to take part. The human aspect is very important".

Conclusion

In order to establish the feeling of the workshop as a whole, participants were asked to vote for those reforms that they would most like the Council of Europe to support. From a very rough count of hands, it appeared that the most popular proposals were: No. 27 – postal and electronic voting; No. 24 – referendums and initiatives; No. 9 – voting rights for denizens; and No. 26 – electronic monitoring and online deliberation. The reforms in Cluster 1 received the least support, namely universal citizenship, discretionary voting and variable thresholds for elections.

E-VOTING – WORLDWIDE DEVELOPMENTS, OPPORTUNITIES, RISKS AND CHALLENGES

Workshop 3 presentation

NADJA BRAUN³¹
Swiss Federal Chancellery

Introduction

E-voting is short for “electronic voting” and refers to the option of using electronic means to vote in referendums and elections. There are a wide variety of e-voting set ups, ranging from the casting of the vote with the aid of an electronic device (voting machines) inside a polling station to casting a vote anywhere outside the polling station at a PC, mobile phone, touchtone phone, personal digital assistant (PDA) or digital TV and transmitting the vote via the Internet or another network. E-voting might also refer to the use of electronic means for the vote-counting process, but this will not be addressed here. In this presentation “polling place e-voting” will be used in reference to systems where a voter casts his or her vote inside a polling station or similar premises controlled by electoral staff. “Remote e-voting” will be used to reference the system where a voter casts his or her vote at any place outside the polling station.

This presentation intends to give an overview of the various forms of e-voting projects worldwide and highlights the discussion about opportunities, risks and challenges of e-voting.

Worldwide developments³²

There is an ongoing debate in many countries about e-voting with particular emphasis on remote e-voting. While some kind of remote e-voting is already widely used by societies, organisations and private industry, the situation is quite different when it comes to national elections and referendums.³³ While polling place e-voting seems to be already well established in some countries (Belgium, the Netherlands), other countries are very reluctant when it comes to introducing

31. The opinions expressed in this presentation do not represent any official statement.

32. This overview is based on constant monitoring of e-voting projects worldwide conducted by the Swiss Federal Chancellery. The list of countries is not comprehensive. See also footnote No. 33.

33. See the ACE website <<http://focus.at.org/e-voting>> for an overview dating from summer 2004; see also a more recent overview by T. Buchsbaum, “E-voting: lessons learnt from recent pilots”, presentation at the International Conference on Electronic Voting and Electronic Democracy: Present and the Future, Seoul, March 2005, <<http://www.hallym.ac.kr/~icat/e-voting2005/korean/81ppt/buchsbaum.doc>>.

electronic voting machines (Ireland, the United States). The situation is different when it comes to remote e-voting. Various countries commissioned reports on remote e-voting (Austria, Australia, Canada, France), started their own pilot projects or decided to wait for first steps from other countries. However, so far no country definitely introduced remote electronic voting for political elections or referendums.

Those countries that started e-voting projects, chose to do so in a variety of ways. On the one hand there are those countries that want to test remote e-voting in non-political elections or referendums and only as a second step, eventually, allow for tests in political elections (Austria, Germany). On the other hand there are those countries that allow for tests in parallel to political elections and referendums, but with no binding effect of the results (Denmark, Spain). Then there is a third category of countries, those that allow for binding tests with remote e-voting in political elections or referendums (Switzerland, United Kingdom). A variation of the third type of countries are those countries that allow for remote e-voting during political elections or referendums, but only for certain groups voters, for example citizens living abroad (France).

E-voting is becoming more and more relevant in the work of international institutions as well. The Council of Europe has taken the lead, elaborating and agreeing upon legal, operational and technical standards for e-voting.³⁴ The European Union has been supporting several pilots and financing research,³⁵ other organisations, such as the International Institute for Democracy and Electoral Assistance (IDEA)³⁶ or the Association of Central and Eastern European Election Officials (ACEEEO)³⁷ are taking up the topic too. One of the unsolved problems in relation to e-voting is the question of how elections with e-voting can be observed. First attempts to solve this problem have been undertaken by the Organisation for Security and Co-operation in Europe (OSCE).³⁸

The following table is aimed at giving a picture – non-exhaustive – of countries which are working on, piloting or implementing e-voting. A threefold distinction is made between:

- countries with polling place e-voting and those with remote e-voting projects;
- countries with projects in non-political elections or referendums and those with pilot projects in political elections and referendums; and
- countries that test e-voting in political elections or referendums with legally binding or non-binding results.

34. Council of Europe Recommendation Rec(2004)11 on legal, operational and technical standards for e-voting. See: <<http://www.coe.int/democracy>> (click “Activities” then “E-voting”).

35. See <<http://www.eucybervote.org>>, <<http://www.e-poll-project.net>>.

36. See <<http://focus.at.org>>.

37. See <<http://www.aceeoo.org/projects/e-voting.html>>.

38. See p. 44 of the OSCE’s *Election observation handbook – Fifth edition*, <<http://www.osce.org/item/14004.html>>.

Table: E-voting in Europe

<p>polling place e-voting non-political election/referendum</p> <p>polling place e-voting political election/referendum non-binding</p> <p>polling place e-voting political election/referendum binding</p>	<p>Germany <http://www.internetwahlen.de>, <http://www.forschungsprojekt-wien.de></p> <p>Portugal <http://www.votoelectronico.pt></p> <p>Australia <http://www.aec.gov.au>; Azerbaijan; Belgium <http://www.belgium.be>; Brazil <http://www.tse.gov.br>, <http://www.observatorioelectoral.org>; France <http://www.vandoeuvre.fr/mairie/pages/fr/1289.htm>; India <http://www.eci.gov.in/EVM>; Ireland <http://www.cev.ie>; Japan; Norway <http://odin.dep.no/krd/valg/2003/informasjon/forsok/016051-990935/dok-bn.html>, a working group is considering remote e-voting; <http://odin.dep.no/krd/valg/2005/016051-991297/dok-bn.html>; Paraguay; Russian Federation; Netherlands; UK <http://www.electoralcommission.org.uk>; USA; Venezuela <http://www.odpm.gov.uk>;</p> <p>Austria <http://www.e-voting.at>, <http://www.a-sit.at/technologie/evoting/evoting.html>; Germany <http://www.internetwahlen.de>, <http://www.forschungsprojekt-wien.de></p> <p>Denmark; Italy <http://www.interno.it>; Spain <http://www.gencat.net>, <http://www.mir.es></p> <p>Canada; Estonia <http://www.vvk.ee/elekt>; France <http://www.legifrance.gouv.fr/WAspad/UnTexteDeLoi?numjo=MAEX0306454L>, <http://www.cnil.fr/index.php?id=1009>, <http://www.foruminternet.org/recommandations>; Switzerland <http://www.admin.ch/d/egov/ve/index.html>, <http://www.ge.ch/evoting>, <http://www.ne.ch>, <http://www.statistik.zh.ch/produkte/evoting/index.php?p=5>; Netherlands <http://www.minbzk.nl/uk/different_government/remote_e-voting_in>; UK <http://www.electoralcommission.org.uk>, <http://www.odpm.gov.uk></p>
<p>remote e-voting non-political election/referendum</p> <p>remote e-voting political election/referendum non-binding</p> <p>remote e-voting political election/referendum binding</p>	

Opportunities, risks and challenges of e-voting

Both proponents and opponents of e-voting put forward different arguments in favour or against this new form of voting. On the one hand:

- E-voting technology can install a process to enable people with disabilities to vote by themselves, easily and in secrecy.
- (Remote) e-voting encourages more voters to cast their vote remotely and increases the likelihood of higher voter turnout for a mobile electorate.
- (Remote) e-voting allows voters to cast their vote in an electoral district other than the one where they are registered and facilitates the polling process for citizens formerly voting by mail.
- (Remote) e-voting facilitates the participation of external voters.
- Over time it reduces the overall cost to operate and manage the election process.
- E-voting contributes to a faster vote counting and delivery of the final election results.

On the other hand, there are risks involved:

- There is a risk of unauthorised intervention of third parties in the voting process. Given the current state of information technology, there is no guarantee that a programme would not be manipulated to allow the storage and printing of a form or document different from the one appearing on the screen.
- The risk of systematic, automated fraud is higher than with traditional voting channels, especially in the case of remote e-voting.
- It is more difficult to detect and identify the source of errors and technical malfunctions than with conventional procedures.
- There is the possibility that fully digitised systems would fail to produce results and lack physical back-up records, making a public recount difficult or impossible.
- It is more difficult to gain voters confidence in e-voting systems. However, confidence and trust in the system – also by those voters who would not use e-voting – are crucial for the functioning of democracy.

Traditional voting systems have been developed to ensure that the principles required for democratic elections and referendums are met, namely the guarantee of the freedom to vote, the secrecy of the vote, the non-modification of the expressed intention of the vote and lack of intimidation during the vote operation. It is essential that these principles are not undermined by the introduction of new voting methods and, accordingly, e-voting systems must be so designed and operated as to ensure the reliability and security of the voting process.

In sum: e-voting has to be as free, secret, reliable and secure as voting systems that do not involve the use of electronic means. An e-voting system therefore should consider the following minimum requirements:³⁹

- ensure that only persons with the right to vote are able to cast a vote;
- ensure that every vote cast is counted and that each vote is counted only once;
- maintain the voter’s right to form and to express his or her opinion in a free manner, without any coercion or undue influence;
- protect the secrecy of the vote at all stages of the voting process;
- guarantee accessibility to as many voters as possible, especially with regard to persons with disabilities;
- increase voter confidence by maximising the transparency of information on the functioning of each system.

³⁹. See Council of Europe Recommendation on e-voting (note 34) for further requirements.

E-DEMOCRACY – FROM THEORY TO PRACTICE

Workshop 3 presentation

VASSILIS GOULANDRIS
Access2democracy

Introduction

Access2democracy is a non-profit, non-governmental organisation (NGO) which sprang out of the successful experiences of specific projects and whose mission is to promote the principles and practice of e-democracy in the global arena. We are very fortunate to have the support of prominent thinkers such as Amartya Sen, Nicholas Negroponte, Lawrence Lessig, George Papandreou and others.

I would like to say a few words about why e-democracy is for us a large concept which goes beyond the confines of e-voting. Let us first have a look at what the situation is today.

Why e-democracy?

We can identify three major driving factors behind the necessity for e-democracy applications today.

First, abstention from the political process has expanded dramatically during the last decade throughout the world, to the extent that citizens are forsaking their most important democratic right: voting in national elections. The authors of the Green Paper, *The future of democracy in Europe – trends, analyses and reforms* project that the abstention rate in Western Europe will reach 65% by 2020. The abstention rate is only one of many facts demonstrating the existence of a “democratic deficit”, even in our “established” democracies, signifying that legitimacy and accountability are at stake. However, Stephen Coleman, visiting professor in e-democracy at the Oxford Internet Institute, has said that abstention occurs because there is a lack of real choices and not because there is a lack of access to the voting process.

I believe that the bottom line is that citizens suffer from acute indifference, disengagement and possibly mistrust; there is a strong feeling of being “left-out” of the current political process among citizens today.

Secondly, issues are increasingly becoming global ones which require global solutions, meaning that they cannot be dealt with effectively at the level of national governments. The environment is a clear example of this. However, global governance institutions are not responding adequately to their new role nor are they accountable to the citizens directly affected by their policies. A reform debate

has already started within the United Nations and other multilateral institutions, and between opinion leaders and concerned citizens. It should be increasingly clear to all that global problems need global policies to identify global solutions if global action is to be taken. Therefore, although we are witnessing more “inter-connectedness” on all fronts – such as the case of markets – the same is not true for citizens.

Third, and most importantly, we should emphasise that communication is and has always been a prerequisite for democracy, from the Athenian democracy of ancient times up to now. However, today we face a problem of a different magnitude: 800 million Europeans are represented by the Council of Europe. How do they communicate? Do they ever communicate? It is our belief that the new information and communication technologies can offer the means for trans-national communication, collaboration and deliberation. This is the task of e-democracy.

Today we have a historic opportunity to exploit these new means of communication, and promote the emergence of a participatory and deliberative democracy which includes civil society in its workings – connecting citizens to decision makers whether at the local, national or global level. And in this respect, we do have the means to reinvigorate our democracies.

We are certainly aware that democracy is not a goal that is clearly, measurably and unequivocally achieved, but an on-going process of increasing participation and continually enhancing access mechanisms for all social and political actors.

As such, democracy is, above all, a life condition which gradually raises people’s level of awareness and perceptions, which will, in turn, positively affect the democratic process.

E-democracy: what is – what is not

A lot has been written and said about e-democracy. There is even a clear lack of a commonly agreed definition. But we can infer a lot by re-stating a few basic “truths”.

E-democracy is:

- not about technology per se;
- not yet another e-government service;
- not just about electoral e-voting (although it embraces it);
- not “push-button” democracy; there are no miracles here;
- not an “alternative” democracy; it strengthens the democratic processes that be;
- definitely not a panacea.

E-democracy encompasses fundamental notions:

- it is about consultation and deliberation;
- it is about people’s right of access to information and the means to obtain it;

- it is about accountability;
- it is about people's voices being heard and respected.

E-democracy is first and foremost about democracy itself, whether direct, representative, deliberative, participatory.

The relationship and the difference between e-voting and deliberation may be described as follows.

First of all, we need to offer means of access if we want to help eliminate the digital divide present even in developed countries. We then need to provide quality and in-depth information, but through a user-friendly interface. This is an important factor frequently overlooked and is a problem which goes beyond the use of attractive graphics since it has to do with our will to communicate, our inclusion policies, our respect for the average citizen. Then, based on the information provided, we need to offer an option for meaningful deliberation and consultation online and offline. E-voting, in the sense that it offers a simple "yes" or "no" kind of option, is only the final step in a process which allows a person to get involved, to participate, to feel "included".

Notwithstanding the attacks made on e-voting which accuse it of being technologically immature, reducing e-democracy to remote voting reveals a particularly simplistic view on ICTs' capacity to reconnect citizens to the political process.

Threats to e-democracy

We stress that there are numerous obstacles hindering the adoption of e-democracy practices, the four major ones being:

- the digital divide, an issue which has already gained attention in international conferences, such as the UN World Summit on the Information Society (WSIS). A lot needs to be done to overcome it;
- the concentration of technology in the hands of developed nations and a group of corporate entities;
- inertia and lack of adaptability on the part of state bureaucracy and relevant administrative structures – what Erkki Liikanen has called "the resistance to new forms of administrative organisation";
- a credibility threat due to technological, commercial or political malpractice and exploitation.

For all of these reasons and given that e-democracy is still in its infancy, real experiments are crucial for the development of best practices. Our organisation, Access2democracy, has inherited the lessons learned from significant projects in the field and as we proceed to implement new ones, we build continuously upon the old ones, advancing our knowledge and expertise in the field.

Let me briefly highlight three projects which have provided us with valuable guidance. These projects made use of a mix of tools, specifically online structured questionnaires and "e-voices" (open-ended questions).

Online global poll on environment

On the occasion of the 2002 United Nations World Summit on Sustainable Development (Johannesburg 2002), which was criticised for its under-representation of the people mostly affected, the first “online global poll” was conducted on behalf of the United Nations. A dedicated site hosted a Web questionnaire with thirty-five questions on four issue areas in seven languages. Respondents could view cumulative results upon completion. The results were recorded, analysed and presented.

The project was jointly sponsored by three of the most influential names in media, the BBC, AOL-CNN Time Warner and MSN/Microsoft, ensuring the widest possible global distribution. Partners were: the APF Foundation, Politics Online supported by UTS Software, APCOWorldwide and Fredricks Polls.

Twenty-five thousand people from 175 countries expressed their opinions and ideas on the current state of the environment in their countries and the world at large, and suggested possible steps to promote sustainable development. It was the first global e-democracy project carried out under the auspices of a global governance institution that revealed a surprisingly strong consensus of opinion around the world.

“e-vote: Vote for the EU you want”

The “e-vote: Vote for the EU you want” Internet platform was an initiative of the Greek presidency of the European Union in 2003. During this period, over 175 000 people from 25 countries, using the latest technology, voiced their opinions and concerns about a broad range of issues under debate in the European Union at that time.

A dedicated website included extensive e-vote questionnaires in nineteen languages and sensitive issues were not shied away, such as questions on the war in Iraq. The respondents could view the results in real time. Foreign affairs ministers responded online and regular reporting to Council of Ministers was ensured. And at the ensuing European summit, e-votes were incorporated into the debate among heads of state and government.

It was the first large-scale e-democracy experiment initiated by policy makers and linked to the decision-making bodies and it was backed up by an extensive pan-European media partnership and civil society outreach campaign (more than 500 European and national NGOs, schools, universities, trade associations, think tanks, political parties, interest groups, and local/regional/national governments contacted to drive public participation).

“E-voices Cyprus”

One of the problems in Cyprus is the lack of effective channels for dialogue between two communities which were until recently separated, and which has led to entrenched positions and political polarisation.

The objective of the “E-voices Cyprus” e-democracy experiment, as would be any experiment in a conflict area, was based on dialogue: in this case to apply online platforms to create neutral and effective channels of communication through an open dialogue on vital issues of mutual interest to both Greek and Turkish Cypriots. The website of the project hosted online e-vote and e-voices questionnaires in Greek, Turkish, and English, dealing with issues of concern such as European Union accession, history, culture and society.

The project was characterised by relatively poor participation and had no impact on policy making, which was mainly due to polarisation and lack of adequate political backing at the time. The project was funded by United Nations Development Programme (UNDP) and the US Agency for International Development (USAID).

Major lessons learned

Our experience with e-democracy projects led us to establish the following major prerequisites for success needed in designing a successful e-democracy project:

- legitimacy. Without political commitment and the active involvement of policy makers, any e-democracy project will lose its potential to increase citizen engagement;
- ensure citizens’ access to “accessible” information. Avoid jargon, offer distilled and clear background information on the issues raised. We need educated and informed citizens.
- build sound technological and conceptual platforms. Accessibility, security, privacy are a priority, not bonuses or add-ons;
- adequate resources and access to expertise is paramount: human, financial, technological;
- deploy sound awareness campaigns. Do not expect citizens to engage unless we let them know what we do;
- merge online with offline tools and communications. Do not rely on the Internet alone. Make intelligent use of a multi-channel communication campaign.

The road ahead – suggestions

In conclusion, I would like to share a few thoughts with you on the path to follow if we want e-democracy practices to go forward.

Be proactive. That means keep ahead of the times. E-democracy should not be exclusively bonded with the PC or the Internet. We have to keep looking at the highest penetration mediums and consider the changes and opportunities that will be created by the future convergence of technologies.

Pool of resources. International co-operation for sharing of ideas, practices and resources is needed. Duplication of effort will only delay or even hinder success. A consensus on best practices will benefit all involved.

Extroversion. Talk, but above all listen to citizens. They are the ones that know ... after all they bring and demand common sense, a much needed value.

The case for e-democracy

To quote Manuel Castells: “The Internet can be used by citizens to watch their governments – rather than by governments to watch their citizens,” and until it fulfils this potential, e-democracy, through its contribution to substantive democracy, will enhance a culture of democracy in general.

How will it do so? I leave you with this old Chinese proverb.

“Tell me and I’ll forget
Show me and I’ll remember
Involve me and I’ll understand.”

INITIATIVES AND REFERENDUMS – BRINGING IN THE PEOPLE

BRUNO KAUFMANN

Initiative & Referendum Institute

IRI Europe

Introduction

Initiatives and referendums represent a long-standing political tradition in a number of Council of Europe member states; in others, the participation of citizens in the decision-making process through referendums is a more recent achievement, coinciding with their passage to pluralist and representative democracies.

In 1994, the Council of Europe recommended the introduction and use of direct-democracy instruments at municipal level. In the spring of 2005, the Parliamentary Assembly of the Council of Europe agreed on a first list of recommendations towards “good referendum practice in Europe”.⁴⁰

This important step was based on the growing existence and use of direct democratic procedures across Europe and the world in order to complement indirect decision-making procedures through political parties and elected bodies. Out of more than 1400 nationwide popular votes (including both referendum votes and plebiscites) almost half of them have taken place since 1989. European countries dominate – with a share of 62% of all votes.⁴¹

In the summer of 2005,⁴² voters in France and the Netherlands rejected the proposal for the Treaty establishing a Constitution for Europe (often called the European Union constitution) with clear majorities. These direct democratic decisions have triggered a pan-European debate on the future of democracy in Europe, which will include many more direct democratic instruments and procedures than ever before.

This paper assesses the experience with initiatives and referendums, analyses the current debate in Europe and offers a few proposals and recommendations for the on-going democratisation of Europe’s democracies.

40. Parliamentary Assembly Recommendation 1704 (2005) on referendums: towards good practices in Europe.

41. *Guidebook to direct democracy*, IRI, Amsterdam: 2005, p. 106.

42. *Ed. note*: text adjusted by the author to take into account post-conference events: the Council of Europe Summit and referendums on the EU Constitution Treaty.

History – French origins, American variations

On a nice summer day, *anno domini* 1793, the very first nationwide referendum ever took place. This happened in France, which at that time had an electorate of just 6 million male and non-military citizens. With a turnout of just 31%, 9 out of 10 voters said “yes” to the so called Montagnarde Constitution. This constitution provided that optional legal referendums could be launched by one-tenth of eligible citizens, within 40 days after decision in parliament. However, in spite of the overwhelming “yes” by the citizens in the August 4 vote, the Montagnarde referendum was never enforced. War, revolutionary terror and finally Napoleon Bonaparte’s dictatorship prevailed for the following decades.

The European initiative and referendum experience differs from the American one in several ways. It is much more manifold because it covers many different nation-states with different historical backgrounds and institutional set-ups, and it also has a somewhat different historical time frame. While citizen lawmaking has been an important element in politics in the United States for slightly more than a century, the European initiative and referendum experience started only two decades ago. The latter takes in all political levels, large and small countries, and minor and major issues. European referendums, especially outside Switzerland, may also be triggered and controlled by a president, a government or a parliament. Many strong leaders in European history had a preference for this type of “referendum from above” – and some still do.

There have been three big waves of “democratisation” of political democracy. The first occurred in 18th-century Switzerland, when all of the main features of a modern direct democracy, such as mandatory constitutional referendum, optional legal referendum and the popular citizen initiative were developed, introduced and practised. Another, much more fragile wave, rode in between the two world wars, when many new nation-states were trying to balance the top-down structures of governments with bottom-up-tools, such as the popular initiative. This was not an overly successful attempt, as authoritarian leaders soon started to hijack the process, thereby discrediting direct democracy for almost a century. Nevertheless, when citizens all over Europe, in particular in the eastern part of the continent stood up against their rulers and shouted “We are the people”, a third and much stronger wave of direct democracy took hold of Europe in the late 1980s and early 1990s.

Switzerland – a world laboratory of direct democracy

The basic lesson of direct democracy in Switzerland is: Switzerland did not create the referendum; the referendum created Switzerland. Swiss forms of direct democracy derive from various historical sources, such as the above-mentioned Montagnarde Constitution of 1793. But even before this, Switzerland had preserved both direct-democratic mechanisms of decisions making, such as the so-called *Volksanfragen*, or popular consultations held in the Zurich, Bern, Solothurn and Neuenburg cantons, and hybrid federal-democratic mechanisms of decision making, such as the *Zendenreferenden* – community referendums in Graubünden,

or the district referendums in Wallis. Some of these go as far back as the 15th century. It was because of its own longstanding democratic traditions, including community citizens' assemblies, or *Landsgemeinde*, that the idea of initiatives and referendums fell on such fertile ground during the modernisation of democracy in the Swiss cantons after the Restoration in 1830.

In the search for forms which would preserve traditions of co-determination within a more modern form of government, initiatives and referendums were an acceptable compromise for the competing positions of the various political factions. Historically, the introduction of initiatives and referendums shows three main tendencies:

- the introduction of political co-determination for citizens comes in successive stages. First to be established is the right of veto; then comes the statutory constitutional referendum; then follows the legislative referendum; and finally the right of initiative;
- citizens' rights, after being introduced below, move upwards. Rights are first introduced in the member states (cantons), then move up to federal level;
- rights are normally established by a broad coalition of differing interests. When the federal state was established in 1848, only the statutory constitutional referendum was grounded in the constitution. The legislative referendum became law in 1874. Finally, the right of initiative was established in 1891.

The 20th century saw the gradual extension and refinement of direct democracy. The referendum on international treaties was established in 1921: open-ended and irrevocable treaties were now subject to facultative referendums. Direct democratic control of foreign policy was extended in 1977. The scope of the optional referendum was now widened to cover accession to international organisations and to acts involving the multilateral standardisation of laws. The accession to organisations for collective security, such as the United Nations, and to supranational communities, such as the European Union, were also subjected to mandatory referendum.

The new Swiss federal constitution of 2000 is the first to contain explicit limitations on the subjects that can be dealt with by initiatives. Mandatory rules of international law, such as *ius cogens* or fundamental human rights such as the principle of non-reversal (*non-refoulement*) cannot be subjected to referendum. Initiatives launched on such matters are declared invalid by parliament. Direct-democratic rights also had a lasting influence on Swiss institutions, since it was by means of initiative that the right to proportional voting was secured, which then led to the proportionalisation of the whole of political life. Proportionalisation is reinforced by the power of referendum available to the most important social groups. In Switzerland, it can be said that if the citizens' initiative is the daughter of the referendum, then proportional voting for the National Council (parliament) is its granddaughter and the so-called magic formula (proportionally elected government) its great-granddaughter.

Direct democracy originated historically in Switzerland at the local and cantonal levels. Until 1848, apart from a brief period, the national level in Switzerland existed only as a loose confederation of states. There is thus a rich variety of forms of local and regional democracy, to which justice cannot be done in such a limited space. Today, in around 2350 communities, there is the community assembly, in which citizens decide publicly on community issues. In the 500 larger communities which have no community assembly, the assembly is replaced by the referendum and by the local community parliament. In all cantons except the two remaining citizens' assemblies cantons – Appenzell Innerrhoden and Glarus (Landsgemeindegemeinden) – there are both mandatory and optional referendums as well as the initiative. Many cantons also have an optional, some even a mandatory, referendum on budget matters.

Although in Switzerland the signature quota – relative to the number of registered voters (100000 out of 4715000, or 2.1%) – is not very high, it does not mean that anyone can launch an initiative whenever they want. The current estimated cost per signature is 2 Swiss francs for printing, secretarial work, advertising and so forth, even if no paid signature collectors are employed. Thus a referendum initiative costs at least 100000 Swiss francs just for signature collection alone, leaving aside the costs of the subsequent referendum campaign. As a result, referendums are usually launched by existing organisations or parties – reflecting, as in any democracy, the existing relationships of power in society. This applies somewhat less in the case of the citizens' initiative, which can be launched even by relatively small groups. In such cases, the initiative – which can typically take several years from its inception to the eventual referendum – often leads to the formation of new political affiliations, which are then more capable of launching referendums in future. In Switzerland, the term *referendumsfähig*, meaning “capable of launching referendums”, has become synonymous with “to be taken seriously politically”. The filtering function of the signature quota should not be judged negatively. A direct democracy without filters would simply burden citizens with a plethora of proposals, leading to public annoyance and the demise of the very instruments of direct democracy.

The success or otherwise of direct democracy cannot be measured simply by concrete political outcomes. Direct democracy is a process for political decision making which offers the maximum possible participation of the general public in the decision-making process within modern societies organised into states. This participation should be seen as a human right. Within the framework of other fundamental human rights, the recognition of the human right to political co-determination is not dependent on whether the results of referendums, either in general or in particular, satisfy one's own personal interests. Such a judgment would in fact reflect a fundamentally anti-democratic attitude. The actual outcomes of direct democracy must therefore be judged against this background. The fact is that, in these terms, Switzerland does not differ fundamentally from other affluent countries with indirect, parliamentary systems. Some reforms happen more quickly, some more slowly. The end result in terms of actual legislation is very similar. This should not be surprising, since the same kinds of power relationships exist in societies with direct-democracy tools as they do in other

affluent industrialised countries which have purely parliamentary systems. If one, for example, compares Switzerland with the predominantly two-party, first-past-the-post systems in the United Kingdom and France, one can see that the existence of citizens' participatory rights exerted pressure for compromise at an earlier stage, but that it has been increasingly recognised even in bi-polar systems that elections are predominantly won on the centre ground. Even though the mechanisms differ, the trend is towards convergence over the longer term.

Europe – the trans-national challenge

In the context of the European integration process, initiatives and referendums have become a key concept of development. According to Dan O'Brien and Daniel Keohane, referendums "inject a dose of human drama into the technocratic machinery and arid theory of EU integration" and "generate understanding and encourage participation by focusing attention on the EU and its workings". "This should be welcomed", conclude the two London-based political analysts, as "referendums specifically on the EU are the only way of putting the Union and what it does at political centre-stage".⁴³

In fact, no other issue has triggered as many popular votes worldwide as the European integration issue. Between April 1972, the date when the French voted in favour of enlargement, and June 2005, 45 referendums in 25 countries were conducted on either accession (28), new treaties (14) or constitutional matters (3).⁴⁴ A closer look at these referendums, of which 32 have taken place since 1992 alone, shows that in 34 cases the voters took a pro-integration stance and the average turnout was fairly stable (around 65%). Unlike accession decisions by individual states, treaty referendums had profound impacts on the European Union at large. Most renowned are the French *non* and the Dutch *nee* to the EU constitutional treaty as well as the earlier rejections in Denmark (the Maastricht Treaty) and Ireland (Nice Treaty).

Extensive studies undertaken by academics such as Simon Hug, Matthias Benz and Alois Stutzer offer interesting analyses. First, European policies are in greater harmony with the wishes of the citizens in countries where referendums on Europe are often held (Ireland and Denmark) than in countries without such instruments. Second, referendums about Europe contribute over the longer term to increased support for the integration process as such.⁴⁵ And third, the referendum option

43. Dan O'Brien and Daniel Keohane, "Why Europe needs referendums" in *Transnational democracy in the making*, IRI Europe, 2003.

44. A special referendum took place in Italy on 18 June 1989. Triggered by a popular initiative of 114000 Italian citizens, a popular vote was held on the "beginning of a EU-constitution-making-process by the European Parliament". With a remarkable turnout of more than 80%, almost 90% of the voters supported the proposal, which gave the Italian government a strong mandate to work for a replacement of the treaties by a constitution. See *Transnationale Demokratie*, eds. Roland Erne, Andreas Gross, Heinz Kleger and Bruno Kaufmann, Realotopia, 1995.

45. According to empirical research carried out by Simon Hug (see *Voices of Europe: citizens, referendums and European integration*, Rowman and Littlefield Publishers, 2002), the Danish and Irish electorate would have been ten points less positive to the European integration process had they not had the right to vote on all new EU treaties.

improves the ability of governments to determine the agenda of treaty negotiations. This last point was of greater importance when only a very small number of countries had the option of an EU referendum. As this option was discussed in most, and implemented in many, countries during the latest treaty negotiations, this impact may have diminished.

More problematic aspects of popular votes on EU issues have been linked to the conduct of the referendum process. In several countries, special majority requirements are linked to a referendum vote, such as a 50% turnout quorum (Poland) or a 50% approval quorum (Lithuania). However, such requirements invite boycott strategies and have negative impacts on the democratic process. Additionally, there are obvious problems linked to non-binding votes, when the electorate does not know for sure if parliament and government will honour the outcome of a referendum. Finally, in countries where referendums are a rare phenomenon, political parties tend to perceive referendums as undermining representative democracy and decisions in parliament.⁴⁶

After the failure of the EU treaty – the next steps

The founding fathers of the European Union did not like the idea of including citizens directly in decision-making processes at the trans-national political level. This was due less to the experience of the Second World War than to the growing threat of the Cold War, which initially spoiled the ideas for a democratic European federation which were developed in the 1940s. This resulted in the integration process of the 1950s being dominated by economic and bureaucratic considerations: Jean Monnet's system did not provide for direct civilian participation in decision making.

It was another great Frenchman, President Charles de Gaulle, who first formulated the challenge of a Europe-wide referendum at the beginning of the 1960s:

Europe will be born on the day on which the different peoples fundamentally decide to join. It will not suffice for members of parliaments to vote for ratification. It will require popular referendums, preferably held on the same day in all the countries concerned.⁴⁷

After the rejection of the new European Union treaty in June 2005, EU leaders started looking for the right procedures in the appropriate democratic forms. As a first step, the EU institutions could try to introduce the right of initiative provided for in the constitution. It has the power to generate both horizontal and vertical political relationships which have been neglected so far in Europe. Under Part I, Title VI in the Treaty establishing a Constitution for Europe – “The Democratic Life of the Union” – the principle of equality between indirect and direct democracy was postulated. A special article (Art. I-47.4) was dedicated to “participatory democracy”. It sets out the terms of reference for a “European citizens’ initiative”:

46. For an overview on referendum use in Europe see: Bruno Kaufmann and M. Dane Waters, *Direct democracy in Europe – a comprehensive reference guide to the initiative and referendum process in Europe*, Carolina Academic Press, North Carolina, USA: 2004.

47. Alain Peyrefitte, *C'était de Gaulle*, Vol. 1, Editions de Fallois/Fayard, Paris: 2003, pp. 63-4 (editorial translation).

Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Constitution. European laws shall determine the provisions for the procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which such citizens must come.

If implemented, this new "initiative right" would be the very first direct-democracy instrument on a trans-national level, offering the citizen an equivalent to the European Parliament's and the European Council's right to request legal action by the Commission. However, the EU Commission will retain its formal monopoly to initiate EU legislation, and the citizens' initiative right will not – unlike initiative rights in countries such as Slovak Republic or Slovenia – trigger a referendum process.

There was in fact no reference at all to the referendum in the EU Constitutional Treaty. The European citizens' initiative (ECI) is an "agenda-setting" tool, which could contribute towards making European politics more visible and could allow for trans-national public debates. This would contribute to the "Europeanisation" of political democracy and serve as an additional means of popular control of policies within the EU. Much, though, will depend on the European laws still required "to determine the provision for the procedures". Two key questions which were debated during the constitution ratification process are, first, the formal powers a successful ECI will have over the Commission (for example, must the Commission follow the intentions of the ECI?), and secondly, whether the ECI can be used for constitutional amendments as well, opening up the door for further reforms of the EU Treaties "from below".

The extensive experience with popular initiative rights at the local, regional and national levels suggests that the time offered for gathering the required signatures, as well as the methods of signature gathering, are critical to the democratic potential of this political instrument. As the EU Commission has proudly declared the ECI to be a tool to "rapidly diminish the democratic deficit in the EU", there are high expectations linked to the new instrument: expectations which may not be fulfilled if the implementation laws are not developed in a citizen-friendly manner and with great institutional care. There is also a risk, as in national contexts, that existing institutions will see the ECI as a disturbance factor and will try to include citizen-unfriendly hurdles in both the implementation process as well as in the later application of this tool.

Conclusions – an important task for the new Council of Europe democracy forum

After the French *non* and the Dutch *nee*, a new popular ballot will be required at some stage of the process – this time Europe-wide and on the same day. If a majority of the voters and at least four-fifths of the member states are in favour, the first direct elections for an EU constitutional convention can be announced. This new

convention – in close co-operation with as wide a cross-section of the general European public as practicable – will work out the first European Union Constitution, which can then be approved in a Europe-wide referendum.

Complementing indirect democracy by adding direct forms of co-determination – as recommended by the Parliamentary Assembly of the Council of Europe in Recommendation 1704 (2005) on referendums: towards good practices in Europe – can be considered as “social innovation with beneficial economic consequences”. The benefits of this social innovation include: reduced alienation from politics, greater legitimacy and transparency, a greater identification of citizens with the policies introduced and an increased capacity for learning in civil society. Well-designed initiative and referendum processes in a state can actually be linked to an increase in per capita income and the efficiency of tax regimes (lower taxes and less tax avoidance).

In short, direct democracy can raise the quality of life of a society – provided that well-designed procedures have been chosen. But in order to achieve these positive effects, initiative and referendum processes must meet basic requirements of freedom and fairness. Basically, there is a common understanding that referendum assessment must relate to the whole process, not merely to the events of actual election days. The preconditions for democratic referendums must not be ignored, and should take into account that:

- *freedom* contrasts with coercion. It deals primarily with the “rules of the game”, such as the legal/constitutional basis and timing;
- *fairness* means impartiality and involves consistency (the unbiased application of rules) and reasonableness (the not-too-unequal distribution of relevant resources among competitors).

In practice, these definitions lead us to more concrete parameters with which to assess the quality of referendums.

With regard to the concept of “freedom”:

- the ability to initiate a referendum process. Broad access – not restricted to governing majorities – increases freedom;
- the binding/consultative effect of a decision. Non-binding votes create potential for manipulative actions;
- the risk of invalidation of a vote by turnout and approval thresholds. High turnout requirements of up to 50% have undemocratic effects, as non- and no-voters are counted together. Voter abstention is actually promoted instead of avoided.

With regard to “fairness” of the referendum:

- the disclosure of donations and spending in a referendum campaign. This is the first step; a second is to apply spending limits; a third step is to introduce “affirmative action”;

- the access to public media (broadcasters) ahead of a referendum. There should be voluntarily agreed standards of fairness in the print media as well as free air hours/minutes to designated campaign organisations in a referendum process;
- the role of government and civil servants in a referendum debate. This has been a major concern in recent EU accession referendums, where EU Commission members regularly played a role in the debates.

In the framework of the new forum for democracy established by the Council of Europe Summit in Warsaw in May 2005, the quality development work around initiatives and referendums will be intensified in the next years. This work must include a comprehensive assessment of existing procedures and use as well as the will to bring modern representative democracy forward on all political levels – including the trans-national one.

APPENDIX

READER'S GUIDE TO REFORM PROPOSALS

The following text taken from the Green Paper, *The future of democracy in Europe – trends, analyses and reforms*, provides a list and explanations of the recommended reform proposals discussed throughout the conference and referred to in this booklet.

1. Universal citizenship

This proposal would grant full rights of membership in the political community from the moment of birth to all persons born within its territory or to all of its citizens living abroad, as well as to those children who are subsequently naturalised. Recognising the manifest incapacity of children to exercise their formal rights directly and independently, this reform further proposes that the parents of each child be empowered to exercise the right to vote until such time as the child reaches the age of maturity established by national law. Each child would be issued a voting registration card or whatever device is already in use to identify legitimate voters and would be informed of his or her (deferred) right to vote. The decision as to exactly which parent would actually exercise this right for their children, prior to their reaching the age of 16 or 18, would be determined by agreement between the eligible parents. In the case of one parent or a guardian, that person would vote.

This reform should make the local, regional or national democracy more “future-oriented”. Not only would allowing children the vote constitute a symbolic recognition that the polity has a responsibility for its future generations, but it should also provide a real incentive for the young to develop an early interest in politics and to do so through an awareness of the importance of whatever level of political aggregation granted them this right. Precisely because of this incentive, it is to be expected that children – once they become aware of the right that their parents are exercising in their name in parliamentary or presidential elections – will increasingly hold their parents accountable for the way in which they distribute their electoral preferences. This also suggests that the reform measure should increase various forms of inter-generational discussion about political issues and partisan orientations in general – strengthening channels of political socialisation and improving the elements of citizen training within the family that seem to have considerably diminished in recent decades. It may even compensate for the prodigious decline in a sense of party identification and probably would exert pressure on politicians to lower the age of political maturity from 18 to 16, if not even younger.

Universal citizenship should also serve as a double stimulus to encourage voting among young parents since their children would probably put pressure on them to vote and the weight of their vote once cast would be increased according to the

number of children they had. Moreover, politicians would recognise this fact and orient their appeals and policies more towards this (often neglected) segment of the population.

Finally, enfranchising young children and adolescents should contribute to a greater equilibrium of the political process over the life cycle. With increasing life spans and a stable age of retirement, older persons have become an increasingly large component of the total citizenry. They have both the time and financial resources to participate disproportionately in the electoral and policy processes – with the result that an increasing proportion of public funds are being spent on the health and welfare of the aged, and a decreasing sum on the education and training of the young. In the longer run, this is bound to be a self-defeating process as a smaller and less productive set of active workers must pay for an increasingly larger set of retired workers.

2. Discretionary voting

Traditional liberal democratic theory stresses not only one person, one vote, but also that this vote be indivisible – cast for a single party list or candidate. Some systems allow for a limited degree of “transferability” by giving the voter the right to indicate a second preference or the possibility of changing the order of preference in a party listing. More recently, a few polities have expanded the choice of electors by allowing them to vote for “none of the above” (NOTA). In general, we are convinced that such “discretionary” extensions of the voting process are desirable. They make elections more interesting, they treat the citizen with greater respect and they promote more political competition, not just between parties and candidates, but also with unusual combinations and prospective alternatives.

Historically, the use of discretion was limited by practical considerations, such as the amount of time and attention that one could expect from the average voter during the time that he or she spent in the voting booth. If, as we advocate, European democracies were to switch gradually to postal or electronic voting, the potentiality for providing more information and exercising more discretion could be greatly expanded. The citizen would have a long period in which to express his or her choices – say, a week or more – and one can, therefore, imagine offering a wider range of choices. For example, a citizen could be given not just one vote but a number of “voting points” – say, one hundred – to distribute across candidates or voting lists, as well as to allocate to “none of the above”, if the preceding choices were unappealing. Voters would have a chance to record the intensity of their preference for a specific party or candidate and that, itself, would become a part of the public record. For example, winners with a higher proportion of 100% preferences could rightly claim greater public support than those who won by the same aggregate margin but with more mitigated patterns of voter support. A growing number of “none of the above” votes would provide a much clearer signal of dissatisfaction than the alternative, which is usually higher electoral abstention. One might even stipulate that, in constituencies in which “none of the above” gained a rela-

tive majority, a special by-election should be held and, if that continued to be the case, no representative from that district would be elected.

3. Lotteries for electors

We have repeatedly stressed the need for improving voter turnout at all levels of electoral competition. Some of the above-mentioned reform proposals might have this as an indirect effect. For example, universal citizenship, by giving additional votes to families with children, might increase electoral participation among young citizens. Discretionary voting should make the act of voting more interesting and expressive of individual preferences, which might also appeal to previously alienated citizens. But we should still be concerned with providing direct and positive incentives for electoral participation. Compulsory voting has had such an effect in the past, but seems to be waning as individuals learn that public authorities are reluctant or incapable of sanctioning non-compliance. The ancient Greeks considered simply paying eligible citizens to spend a day listening to speeches in the *Ágora*, but in the contemporary world that seems unacceptably commercial in a political process that is already excessively impregnated with financial concerns.

So we propose a lottery – or, better, three lotteries – for voters. Each person who votes would receive one of three special lottery tickets: one ticket for first-time voters; one for regular voters (for example those who have voted in all previous elections for which they were eligible or during the last three times); and one for all other voters. The winning numbers would be drawn at the same time that election results were announced and the names of the eventual winners would be publicised and *fêted*. The prizes should not be sums of money for private purchases, but portions of the public budget for distribution to state programmes or non-profit associations and movements in civil society. The winners would be given a period, say, a month, to decide what organisation or programme they would give their respective sums to, during which time they would receive diverse proposals from public and semi-public agents. Indeed, when publicised, the decisions that these randomly selected citizens made could have a significant impact on determining public policy priorities and/or on encouraging voluntary support for organisations in civil society.

4. Shared mandates

Normal practice in all existing democracies is for citizens to choose a deputy to represent them – either from a party list or in a single-member constituency. What if parties were required to nominate “pairs” of candidates for each position? One of the two would be the *primus inter pares*; the other would be his or her deputy. The first would receive a full salary; the second a half salary. Parties would be free to decide how these pairs should be balanced – by gender, age, religion or social origin – but the voter would have to choose both of them together. It would be understood that the first of the two would be “senior” in the sense that he or she could exercise the mandate for the full period and be singularly responsible for all

of its obligations, or they could divide up the task according to time period or legislative function. Parties might wish to indicate beforehand what the division of labour would be in the forthcoming legislature – or they could simply leave it to the discretion of the pair once elected. The advantages of such an arrangement are multiple: (1) it should allow persons to participate actively in legislative politics while also pursuing their own careers; (2) it would encourage a parity in representation across gender, age or other sources of social discrimination; (3) it could provide a useful supplement of expertise for the legislative process as a whole; (4) it could serve as a device for gradually inserting young people into the competitive political process; and (5) it would ensure that a larger proportion of the population would share in the direct experience of governing.

5. Specialised elected councils

Modern European democracies are already surrounded by a multiplicity of advisory committees, “functional assemblies” and consultative councils – many of which are intended to provide guaranteed access for organisations of civil society to state agencies and decision-making bodies. The expertise and information that they provide are an important complement to the deliberations of legislative assemblies, and essential for coping with the increasing complexities of public policy. Their democratic status, however, has often been questioned since they provide privileged access to those interests and passions that are best organised and not necessarily to those that are most concerned with the public interest. Usually, the participants in these councils are selected either by politicians or civil servants according to some principle such as “the most representative association” or “the most insistent movement”.

We propose that governments at various levels – local, regional and national – consider holding periodic, specialised elections for membership in councils that provide them with advice on matters affecting such social groups as young people, the elderly, the unemployed, ethnic or religious minorities, people with disabilities, or foreign residents. The winners of these elections should be paid a modest sum for their participation. Obviously, the nature of these councils would vary with the national or sub-national context. In all likelihood, pre-existing associations and movements (and, in some cases, political parties) will be more successful in these contests than newly created ones, but their legitimacy as representatives will be enhanced by winning and they will be more inclined to develop broader programmes in order to attract votes from a wider public. Moreover, one could also envisage delegating control over specific budgetary assets to such councils. We believe that an especially compelling case can be made for the creation of a Council of Denizens and will make a specific proposal to that end, but the practice could be extended to cover other social groups – such as young people and the elderly – where appropriate conditions exist. Needless to say, this is a reform that would be easier both to implement and to monitor if initially applied at the local or municipal level and, only if successful there, might it be advisable to shift upwards to the regional or national level.

6. Democracy kiosks

One of the universal complaints one hears about contemporary democracies is that they are “remote”. Their operations are so complex and take place through the intercession of so many layers of decision making and policy implementation that the ordinary citizen feels incapable of reaching those responsible – even when he or she is sufficiently motivated to do so. Moreover, the sheer volume of information that governments put out has increased to such a degree that no one can be expected to keep up unless they make an extraordinary effort.

What if democratic governments – through co-operation between all levels, up to and including the European – were to create a comprehensive system of public kiosks in visible and accessible places in every urban quarter, town and village? Whether standing alone or placed inside sites such as local government offices, public libraries or even police stations, they could serve as distribution points for official publications, allow citizens to make routine transactions such as paying fees/taxes or notarising documents, provide free Internet access for receiving and sending messages from/to public agencies and offer personalised, face-to-face advice from local functionaries about laws and regulations. Eventually, if and when the polity moved towards electronic voting (see No. 28 below), these kiosks could help to fill the “digital divide” by providing dedicated electronic access for those without home or office computers, as well as instruction for its use. In order not to unfairly burden local governments with this additional expense and to ensure an even distribution across the national territory, this system should be funded from central government revenue. The expense could even be amortised over time by a corresponding reduction in the cost of conducting elections, sending official notices and responding to mailed or telephoned inquiries.

7. Citizenship mentors

A “citizenship mentor” programme could be an effective way to introduce migrants to the culture of the receiving society, as well as to acquaint “native” citizens with foreign cultures. The mentors would be volunteers, for example students, who would take on tasks such as assisting migrants to register into the health-care system, participate in the activities of various civic associations, and who would explain to them the basics of the existing political system, such as its political rights, voting procedures, registering to vote. They could also be “conscripts” from the civic service, proposed in No.10. The mentors and migrants should meet periodically, if possible, during the first six months after entry into the receiving country. Mentors would have previously received formal training in multicultural awareness and civic participation through standardised programmes. A common e-book should be made available in all member states of the Council of Europe with a complete listing of online resources for the use of training staff and mentors. Each Citizenship Mentor Centre would supplement this with specific information according to local, regional or national needs. The Council of Europe could serve as a regional co-ordinator of these experiences and diffuse information on those that have proven most promising. In order to encourage both citizens and

migrants to participate voluntarily in this programme, non-monetary compensation could be offered to them in the form of free tickets to cultural or sporting events or vouchers to be spent for additional schooling or language courses. Alternatively, where the use of volunteers or conscripts relieved local administrative staff from tasks with respect to migrants, they should be paid a modest (minimum) hourly wage. NGOs in some countries already provide analogous forms of mentorship as well as cultural mediators and they could be subsidised for extending and systematising these practices which could be institutionalised and improved through international co-operation.

8. Council of Denizens

Every political unit in the European Union that has more than a pre-designated proportion (say, 10%) of its total population consisting of “denizens” – legally resident citizens from non-EU member states – should create a council for their political representation. This should be a forum for regular deliberation among denizens and for periodic exchanges of opinion with existing councils composed of citizens at the municipal, regional or national levels. Denizens should also be free to invite politicians, academics and policy practitioners to their meetings, as well as to engage in a broader dialogue with the public on whatever matters they choose to place on their agenda. The size, competencies, and resources of this council would vary according to the social and legal context of the unit.

Representatives to this council should be chosen in a special election (but, ideally, one coincident with the normal citizen election at this level) by competition among political parties (presumably, in the proportional representation system, with closed lists of nominees). These parties could consist either of “denizen” sections of pre-existing citizen-based parties or of parties specifically created for these elections. Each candidate should be identified by name, profession and nationality and, where possible, information should be provided about the programme of the party that has nominated him or her. The parties specifically created for these elections may be formed of “national” lists (for example, Albanians, Chinese, Senegalese, Ukrainians), of “continental” lists (for example, Africans, Latin Americans, South Asians), of “religious” lists (such as Muslims, Confucians, Protestants) or of “cosmopolitan” lists that cut across these categories.

Such a competitive political process within the denizen community would avoid the need for setting specific quotas and would not certify publicly (and, therefore, reify) any specific institution (association, movement or party) or identity (nation, region or religion). It would be up to the denizens themselves to establish parties according to their own perception of common interest or identity – and the competitive process would determine which of these are entitled to representation on the Council of Denizens. Ideally, the “aggregative dynamics” of the electoral process would tend to reward those parties that represent broader categories of interest or identity and, in so doing, contribute to the formation of cross-cutting affiliations and alliances.

The competencies of the Council of Denizens should vary according to national legislation and constitutional provisions, but at a minimum, it would have the right to be consulted on all matters relevant to the interests of denizens resident in that polity. At a maximum, it could be accorded a veto power with regard to all decisions affecting the vital interests of denizens as such. In between, the council could play an important “mediating” role on such issues as the conditions for expelling undocumented and illegally resident foreigners and for legalising the status of such persons. In other words, it could function as a sort of “popular court” composed of “denizen peers” for handling such contentious issues on a case-by-case basis. Also, the council could be given a formal role in assessing and/or approving public funding for associations that provide services directly and specifically to denizens as well as to illegally resident aliens.

Its resources should also vary from polity to polity, presumably according to its size and competencies. One possible idea that might make for greater fiscal responsibility would be to fund the activities of the council and any subsidies or grants that it might approve from an ear-marked quota of taxes paid by denizens in a particular unit. For example, one-third of the income taxes or of the estimated VAT paid by denizens could be allocated for such purposes. Councils should have an independent source of revenue that is not contingent upon the budget of the polity as a whole or upon the whims of whatever coalition of citizens currently forms its government.

Given the present distribution of denizens in member states, it should be presumed that such a reform would begin at the municipal level in those cities with the highest proportional concentration of legally resident foreigners. If, as expected, these councils prove to be useful in resolving (even in pre-empting) conflicts between citizens and non-citizens and to be capable of stimulating the active participation of denizens, then, these inevitably dispersed local experiments could lead to their replication at the provincial, national and even supranational levels. Why not, eventually, an European Union Council of Denizens?

9. Voting rights for denizens

Some national states, cantons and municipalities have successfully introduced voting rights for denizens. This practice should be encouraged and improved. In particular, measures to make registration and subsequent access to voting (and hence participation) easier for long-term foreign residents should be introduced. Normally states and municipalities grant voting rights after a fixed number of years of residence in a country (this normally varies between two and eight years). A proposal could be that denizens who participate in programmes of citizen mentorship (see No. 8) or demonstrate a proficiency in civic education, constitutional matters and political history of the receiving country could be rewarded by gaining access to the vote after a shorter period of residence.

10. Civic service

European countries have been gradually phasing out their systems of military conscription. Many of them have provisions for an alternative civic service that has

been increasing used by conscientious objectors and has become an important source of supplementary support for organisations in civil society. Not only would the abolition of compulsory military service deprive them of this support, but there are also other good “democratic” reasons why an alternative civic service would be a desirable replacement. It would provide a common experience for all young people regardless of social distinctions (class, gender, religion, region and so forth) in the larger national community. It would introduce them to the value of working in political and community organisations and offer a unique period of exposure to civic practice and democratic equality. Needless to say, it would quickly become a major source of support for the organisations of civil society involved in the production and distribution of public goods.

Such a service would be compulsory for all citizens and all denizens (who have lived in the country for more than three years) between the ages of 17 and 23. It would last for a short period, to be followed by the possibility of a voluntary extension. Exceptions could be permitted for health- or family-related reasons, but the obligation should be as general and non-discriminatory as possible. The experience should, however, be as flexible and accommodating to individual needs as possible. To accomplish this, it should be divided into three stages, one compulsory and the other two voluntary.

Stage 1 (compulsory). At a time of their choice between the ages of 17 and 23, all citizens would be required to spend four months fulfilling their civic service. The first month would be dedicated to general civic education and would be provided by a dispersed set of recognised institutions: secondary schools, professional institutes, universities, NGOs and other non-profit organisations or firms that would bid for competitive contracts and be paid accordingly from public funds. During the subsequent three months, the “civic draftees” would be assigned to work in organisations of civil society or agencies of public service such as fire brigades, hospitals, homes for the aged, local governments and so forth. During this entire four-month period, the draftees would be paid the same modest salary (say, the minimum wage if it exists) to cover their living expenses (food and housing).

Stage 2 (optional). After this short compulsory period, those who chose to do so could extend their commitment for a further year in the same or another organisation. In addition to the modest salary, they would become entitled to vouchers that could be used only for educational purposes (tuition, fees, housing or other expenses) during a subsequent three-year period. These vouchers could be spent at a time of their convenience during the following ten years.

Stage 3 (optional and dependent upon matching funds from eligible organisations). Those who wish and had already completed stages 1 and 2 could opt for spending another twelve months in civic service, provided that an organisation in civil society or agency of public service would agree to pay them a salary equivalent to the modest one they would continue to receive from public sources. This extra year would then entitle them to an additional two years of educational vouchers.

11. Education for political participation

Traditionally, proponents of democracy have complained that citizens were inadequately educated for bearing the complex responsibilities required of them when voting for representatives or participating directly in decision making. On these grounds, the electoral franchise was often competence-based, meaning that it was denied to those without formal education or those who were illiterate. Ironically, in contemporary democracies, the level of general education has risen so much that some observers complain that citizens have become excessively critical and demanding of their politicians. No one seems to believe that the population has ever received the “correct” political education. People tend to have a limited view of “political” objects, to reduce political affairs to “politicking”, not to be aware of policies, programmes, ideas, principles, issues, debates on issues and ways of facing current problems and, consequently, to have a pejorative vision of politics.

Everyone agrees that today’s democracies need better politically informed and, therefore, better politically educated citizens. But how can this be accomplished and, more specifically, what should be the role of public policy in this effort? Most “real existing” programmes for civic education focus on a description of formal institutions and a recitation of normative principles. They are far from providing the knowledge and skills demanded by a more politically aware citizenry. Indeed, much of this effort can be counter-productive – helping to breed cynicism when the observed practices fail to match up to the exalted ideals.

We believe that a better approach would be to educate citizens for actual participation in politics – as it exists rather than as it is supposed to exist. This would require that students at various moments during their education be placed in direct contact with representatives and rulers acting in their usual governing roles. The emphasis should be placed on “learning by experience”, rather than “learning from manuals”. The proposal for a civic service (No. 10) based on internships in government and civil society institutions is one such effort aimed at those who are finishing secondary school. Younger students might be assigned to serve for a day or two as “assistants” to local politicians or activists in parties, associations or movements. One could even imagine a competition about politics and history among pupils in different schools with the winners spending a limited period of time as surrogate “ministers” or “state secretaries” in the regional or even national government. If millions of Europeans watch the Euro-Song Fest and participate in its ingenious voting system, why not try the same thing for a Euro-Politics Fest? Two or three controversial topics of major importance for Europe as a whole could be selected in advance for debate and students could prepare “briefs” arguing different points of view and proposing different solutions. “National champions” could then face each other off on live television.

12. Guardians to watch the guardians

The purpose of establishing “guardian” agencies and boards is precisely to remove them from “politics” and to insure that their specialised expertise can be brought to bear to solve problems without the “costly” interference of partisan disputes.

Unfortunately, this also serves to disconnect them from the circuits of democratic accountability. Elected representatives may have some say in their initial nomination, but little control beyond erratic legislative hearings once they are in office. We propose that all guardian institutions – central banks, general staffs of the military, regulatory agencies for a wide range of purposes, all sorts of autonomous boards and managerial public commissions – be recognised as such and each be assigned a “guardian” chosen by the parliamentary committee most relevant in their field of activity. This person would be a member of the permanent staff, paid by and responsible only to the parliament, and would have the same right to information and presence as a member of the directorate of the guardian institution. His or her primary responsibility would be to report regularly on the performance of the respective agency or board and to evaluate its compatibility with democratic principles – that is to say, a sort of permanent whistleblower with privileged access to internal documents and discussions. This should serve to strengthen the general role of parliament within the usual system of inter-agency checks and balances.

A potentially significant secondary responsibility would be to serve as a specialised ombudsperson vis-à-vis the public at large and its exchanges with the guardian institution to which he or she is attached. Virtually all European democracies have general ombudspersons responsible for hearing and acting on citizens’ complaints. They have become an important resource in changing and adapting policy making to the needs of the citizens. So much so that they are frequently over-burdened with a variety of complaints and, hence, suffer from a lengthy investigation procedure. Having a number of specialised ombudspersons covering the guardian institutions would not only diminish the burden on general ombudspersons, but it would also bring more specialised knowledge to bear that should make it easier to discriminate between serious and trivial cases.

13. Special guardians for media guardians

No one questions that the media – press, radio, television and, increasingly, Internet – play a highly significant role in determining the quality of democracy in Europe. They provide most of the information that the public uses to make judgments about candidates and policies; they tend to set the agenda for political debates; and they can have an important direct impact upon voter behaviour. And yet, neither democratic theory nor practice knows how to treat the media so that they do not systematically distort the outcome of political competition. Repeatedly, it is said that the net effect of the press, radio, television and Internet should be “neutral”, “balanced” and “fair” – but how to ensure that this is so?

By and large, the situation in Europe is relatively pluralistic “at the base” – compared, for example, to that of the United States. Different forms of ownership – public as well as private – prevail and there are usually prohibitions on too great a concentration of market share in the hands of a single firm or consortium. Television stations are required as a condition for their licensing to provide free time to the candidates of competing parties during electoral campaigns. Moreover, many countries have set up independent regulatory agencies (“guardians”) to

verify that radio and television stations cover political events and personalities in an equitable fashion. They monitor to ensure that the time and attention devoted to government and opposition is not disproportionate. Some of them are even empowered to deliver mandatory injunctions and to impose sanctions on those that violate regulations. These are practices that should be encouraged in all member states of the Council of Europe.

But, who regulates the regulators? Who ensures that they actually do their job and are not “captured” by those they are supposed to regulate? It is one thing to legislate that media treatment is supposed to be “fair and equitable”, quite another to prevent the natural tendency to seek to expand market share by simplifying, personalising and dramatising the “spectacular” aspects of political events. Such regulatory agencies may have the authority to levy fines or even impose injunctions during campaigns, but do they dare to do so when the winning party can subsequently dismiss their officials or grant themselves an amnesty?

We are convinced not only that the competencies of these agencies should be strengthened so that they can intervene rapidly and effectively – up to and including the power to revoke the broadcasting licenses of egregious offenders – but also that their officials should be both encouraged to act and protected against retaliation. This means insulating them from governmental and partisan reprisals. Not only should they be appointed for long terms with the approval of a parliamentary supermajority, but also their subsequent renewal of contract or removal from office should be the exclusive responsibility of an especially convoked independent commission. How its members should be picked is a matter best left in the hands of each national polity, but we would favour random selection from members of the professional associations involved in the different media – where these exist and have a significant density of membership.

14. Freedom of information

In this Green Paper, we have refrained from advocating new rights and concentrated on innovative reforms in rules and institutions. However, there is one basic right that seems to be particularly crucial in order to meet the challenges and seize the opportunities of today’s rapidly changing world. The increase in complexity due to global and regional interdependences and the formidable pace of technological change have made information an increasingly valuable commodity and a fundamental instrument of power. The present distribution of it, however, is asymmetric and becoming more so. Agencies of government and corporations in the private economy have much more access to it than do individual citizens or organisations in civil society. Moreover, they also have the capability to gather even more information in a surreptitious fashion on these same individuals and organisations.

This, in turn, affects the practice of democracy since the ability to receive and process information is a major determinant of choice – individual and collective. Without equal access to information, the citizen can neither form his or her preferences accurately nor decide reliably what course of action to take. Citizens do

not know which policies to accept or reject; they cannot reasonably choose which ruler to support or oppose. Negotiation and, even more, deliberation about the public use of legitimate authority are subject to manipulation by those who have privileged access to information. It seems likely that the rising tide of distrust in democratic institutions is due, in part, to the culture of secrecy that tends to surround agents of public and private power and the suspicion that these agents are distorting information for their own purposes.

A formal declaration of equal freedom of information should be a component of all democracies in Europe – whether as part of a constitutional specification of basic rights or as an independent legislative act.

In principle, this freedom should be two-sided: first, it should guarantee equal access by all citizens to sources of information needed to form their preferences and make their choices; and second, it should obligate all rulers to disclose the information that they have used to make their decisions and that they have gathered on citizens. There are obviously cases in which such transparency and full disclosure would endanger the security of the polity, but the onus of proof for withholding information would always be with its “owner”. For example, data on public opinion, however anonymously gathered and privately funded, should be made available to all citizens during electoral campaigns – except during the concluding days of the campaign when all polling should be prohibited.

In practice, however, the effective implementation of this freedom would require that training be widely available (and subsidised for those that cannot afford it) in the technical skills needed to process information; that the equipment necessary for capturing and using information be widely distributed to all social groups or accessible through public kiosks; and that the costs of access be kept as low as possible or subsidised with public funds.

15. A “yellow card” provision for legislatures

Representative bodies at the municipal, local and regional levels should be granted the power to issue “yellow cards” – explicit warning notices – when they judge that their formal rights or informal prerogatives are being infringed upon by drafts of prospective legislation coming from a higher level body. This would allow them to question such infringements without taking the more legalistic (and lengthy and uncertain) step of appealing to a higher court for a judgment on the matter after a decision has been made. Moreover, since in many cases the legal status of such an action is unclear, it would emphasise the strictly “political” nature of many of these inter-level infringements. When given a yellow card, the alleged offending body would have to suspend further action on its initiative until it had provided additional justifications for its action, including a formal declaration of subsidiarity, that is why its objectives could not be better accomplished at a lower level of aggregation.

An article in the draft EU Constitution exemplifies this mechanism. It would give national parliaments a direct role in monitoring the application of the subsidiarity principle. If and when the Commission fails to consult widely, does not provide

sufficient reasons for acting or has not demonstrated that a given proposal respects subsidiarity, it would have to furnish the “yellow-carding” assemblies with a satisfactory justification before proceeding further.

While the prospective EU mechanism is limited in scope, there is no reason that we can see why it could not be extended to cover all future drafts of legislation affecting inter-level relations, or why it should not be put into practice at all sub-national levels as well as at the supranational one. Indeed, this early warning device could be of very considerable value in avoiding unnecessary litigation within national governments and preserving the political component of democratic politics from excessive juridification.

One could even imagine extending this “yellow carding” mechanism in the inverse direction. Higher-level legislative bodies could be given the right to issue explicit warnings when they believe that lower level ones are violating previous commitments, whether formal or informal, constitutional or prudential.

16. Incompatibility of mandates

The clarity of relations between levels of government – local, regional, national and supranational – is enhanced by prohibiting politicians from either simultaneously holding or even competing for (and subsequently renouncing) elected offices at more than one level. Whatever the benefits may be for specific political parties from having “notables” placed on multiple lists or eventually serving at multiple levels, the deficits in terms of unambiguous relations with constituents and accountability in the exercise of authority are much greater. In line with the previous proposal, we are convinced that it is desirable to draw clear lines of competencies, personal as well as institutional, between democratic institutions. Citizens should be able to calculate before casting their vote exactly who will represent them in each specific legislative body and they should not have to rely on complex, multi-faceted chains of personal influence in order to accomplish their political purposes. Moreover, the fact that almost inevitably politicians running in multiple constituencies in the same election subsequently renounce their winning positions in those at lower levels tends to undermine the status and legitimacy of these local and regional assemblies or executive agencies.⁴⁸

17. Framework legislation

Where multiple levels of decision making exist and where each of these levels has a substantial degree of autonomy within its own sphere, it is nonetheless common that more encompassing governments – national and supranational – pass laws that require the active compliance of less encompassing ones. Moreover, as noted above, there has tended to be a drift in this direction due to the alleged necessity for comprehensive and unified responses to such challenges as globalisation and

48. A recent directive of the European Union has declared that the mandates in national parliaments and the European Parliament are incompatible, but it does not prohibit candidates from running in both contests and subsequently renouncing one of the mandates.

insecurity. Historically, it was the imperative of national defence or offence in inter-state war that justified most of this impetus towards centralisation. Today, a similar situation seems to be arising from “the War on Terrorism”.

Whatever the ostensible justification for centralised action, the principle of subsidiarity would require that any such legislation be of a “framework” nature, that is to respect as much as possible the existing autonomy of lower-level units and leave to them the choice of methods and solutions adapted to their specific circumstances. At most, the central decision should fix the generic goals to be accomplished and the general guidelines for action, leaving the rest of the implementation process to existing local and regional authorities.

Especially destructive of more dispersed forms of state authority are so-called “unfunded mandates”, or requirements by central governments not only that lower level governments conform to invariant norms, but also that they fund this compliance themselves without any downward transfer of financial support. No democracy based on multi-level government should tolerate such mandates and, as far as is possible and compatible with the general objective of providing uniform access to public goods, each level should be empowered to raise sufficient “own” resources to produce the public goods that its citizens and their representatives deem adequate.

18. Participatory budgeting by citizens

Much of the activity under this heading has been inspired by reforms introduced at the municipal level in Porto Alegre, Brazil over thirteen years ago. In addition to spreading to other cities in that country and elsewhere in Latin America, there have been several experiments with “participatory budgeting” in European cities. The formula differs from site to site but usually involves the earmarking of some proportion of the municipal budget for distribution according to categories of service provision and, especially, projects of investment to be decided by an assembly of citizens at the level of specific neighbourhoods. In some cases, these decentralised assemblies in turn select representatives that meet at the level of the municipality in order to determine (along with regularly elected city councillors) the priorities of the budget as a whole. In other words, this process of transparent and open deliberation among the most directly affected citizens supplements, but does not replace, the usual channels of representative democracy.

We are convinced that this is a democratic reform worth pursuing within Europe, although a good deal of evaluation of the many experiments that have already been conducted will be necessary before settling on the details of its implementation. In the case of Porto Alegre, it was introduced by a specific party, O Partido dos Trabalhadores (PT), and it has been advocated exclusively by political forces on the Left ever since. We, however, see no reason why such a reform would not be supported by a broader partisan range in Europe since its outcome could just as well be conservative as progressive – depending on the preferences of the neighbourhood community involved. Moreover, there are evident problems with the actual participation of citizens in such a reform – such as their skewedness with

regard to education and social status, their manipulation by organised interests, their affiliation to existing political parties – and there are serious questions about how such a micro-level application might fit within Europe’s “multi-layered polity”. Clearly, it is a measure that is very sensitive to the scale at which it is conducted and cannot simply be aggregated upwards to the regional, national or supranational level.

Which leads us to advocate a related but more “generic” reform that could be applied at virtually all levels of government. What if citizens could determine, presumably by referendum or initiative, their preferred distribution of total public expenditures according to level of government? Suppose that they were offered at some point in time the choice of how much they wished to be spent proportionately and within a certain range of variation by municipal, local, regional and national governments. Persistent deviation above or below this distribution would eventually have to be explicitly authorised by these same citizens. Obviously, some flexibility would have to be built in for situations of natural disaster or emergencies in national insecurity, but in an accountable fashion citizens would determine *grosso modo* how increases or decreases in general revenue should be allocated according to a pre-established formula.

Note that this would not give them the direct authority to determine exactly how these funds would be spent on competing services or investment projects – that is a job for politicians much more familiar with the details of tradeoffs and relative needs. Nor would it fix the specific means for generating revenue or the degree of transfers from one taxation source to another – just the overall distribution of expenditure by level of government.

Something similar already exists with regard to the European Union where a ceiling has been placed by its member governments on the proportion of total VAT collection in Europe that it can spend in a given year. Admittedly, this is set by national governments and not their respective citizenries, but why not practise almost the same thing with regard to their own national territorial constituencies?

19. A Citizens’ Assembly

This assembly would be composed of a randomly selected sample of the entire age-eligible citizenry, that is both registered and unregistered voters. Its number (initially) should be twice that of the present lower chamber of the legislature. The selection of “Citizens’ Deputies” (CDs) would be in accordance with the existing system of constituencies in the lower house, that is two CDs would be drawn randomly from each district – if a single-member district – or double the number of existing deputies – if a multi-member district. The Citizens’ Assembly should be considered as a “committee of the whole” empowered by the normally elected assembly to assist it with legislative review – in other words, it should be regarded as a measure to strengthen not weaken the legitimacy of the regular parliament.

Each Citizens’ Deputy would be paid one-half the salary of a deputy in the lower house for the two- or three-month period of his or her civic service. Each CD would be assigned a legislative assistant who would be responsible for ensuring

that he or she receives all relevant documentation, respond to requests for further information and help in their interactions with the public.

This assembly would meet once a year for one month at a site to be determined, perhaps even in the lower house of the national parliament. Its unique purpose would be to review and vote on one or at most two bills passed by the regular parliament during the previous year for which at least one-third of the deputies in the lower house have explicitly requested a stay of implementation.

Future Citizens' Deputies should be chosen two months prior to the meeting of the Citizens' Assembly. During this period, they would be provided with the necessary documentation, including the transcript of previous parliamentary debates on the relevant bills and contemporary press commentaries. They could also request any additional information within the limits of national security. Needless to say, arrangements would have to be made to ensure that CDs would be relieved from their regular occupations during their period of civic service and guarantee that they could return to their pre-existing jobs without penalty.

The names of those chosen to be future Citizens' Deputies would be made public and citizens encouraged to contact them – through their respective legislative assistants. Adequate means for communication, for example online computers, photocopying facilities, franking privileges and so forth, should be put at the disposition of all CDs and special arrangements, such as setting-up websites, should be made to make it easy to contact them and protect their privacy.

Citizens' Deputies actually participating in the assembly should be chosen at the end of an initial two-month period by coin-toss between the two CDs selected for each single member district or between pairs of CDs from multi-member districts. In the event of illness or other impediment, the "substitute" would become the deputy. Here, the intent is to make it more difficult for CDs to be influenced or even suborned by external influences, since the identity of those participating in the assembly would not be known until the last minute.

The Citizens' Assembly after due deliberation would vote on each of the bills submitted to it. Only those drafts receiving a simple majority of the votes would be passed. No legislation rejected by the assembly could become the law of the land. If the regular legislature failed to assign any bills to the assembly, it would nevertheless meet to review the year's production of laws and issue a statement on their quality by majority vote with minorities expressing their dissent if necessary. In polities that already have referendum or initiative provisions, the Citizens' Assembly could replace such arrangements – at lower cost and greater visibility, and with more opportunity for deliberation.

20. Variable thresholds for election

We discussed the currently fashionable proposal for democratic reform in the United States concerning "term limits" for elected representative and concluded that they were not desirable. Contemporary politics requires professional expertise that can be acquired only over several terms. Otherwise, amateur and *pro tempore*

representatives could be too easily manipulated by well-staffed and powerful interests. Moreover, Europe's more disciplined political parties might be undermined when large numbers of their candidates with no long-term future as elected representatives might be tempted to vote in erratic or idiosyncratic ways.

What might be appealing, however, as a counterweight to "the iron law of oligarchy" (under which the longer a politician remains in office, the more he or she tends to accumulate incumbency resources and becomes difficult to remove from office by electoral means) would be a system of moving thresholds. Incumbents, after serving two terms, would still be eligible for re-election, but would have to win a higher proportion of votes in order to stay in office. For example, if in the last election he or she had won by 55%, in the next one the threshold would be raised by 2.5%, or to 57.5% – and by the same increasing margin for each successive one. The same system could be applied in proportional representation systems, either to the incumbent candidate's placement on the list or to the number of votes required to meet the quota. Citizens satisfied with their representatives could continue to re-elect them for as long as they wished – but only provided that more and more of them expressed this satisfaction in successive elections.

21. Intra-party democracy

All students of democracy agree that it is desirable that political parties themselves be democratic in their internal operation. Most of these same students would also agree that such a condition cannot be "legislated" – least of all, by some set of binding national or supranational norms. By their very nature parties represent "parts of the polity and society" and, therefore, should have the autonomy to determine who they accept as members and how they govern themselves. In their competition with each other, they may be compelled to widen their respective programmes in order to appeal to voters outside their core membership and they may even be obliged to hold some sort of internal simulacrum of a democratic process, but they often show little enthusiasm for recruiting new members or for holding genuinely competitive internal elections if this threatens to upset established patterns of leadership. They may also show little or no interest in increasing subsequent electoral turnout if the additional voters do not manifestly benefit their candidates.

So, parties are a necessary component of liberal democracy as currently practised, but they can also be an impediment to its legitimacy and, certainly, to the reform of its institutions and practices. Nowhere can the response to this paradox be seen more clearly than in the persistent decline in public trust in them. As we have seen, the answer cannot lie in obliging them to behave more democratically; it can only lie in rewarding them for doing so. One could imagine granting free access to the media for publicising their internal democratic processes – elections, hearings, public dialogues, and so forth – but this presumes that citizens wish to listen, watch or read about such events.

An alternative might be to set aside a proportion of the public funds budgeted for supporting political parties for distribution to those parties that hold competitive

internal elections for the nomination of candidates or establish regular forums for the discussion of issues with the general public. As for rewarding them for encouraging voter participation, this could be helped by the system of vouchers for party funding (No. 23), since only those who actually vote could distribute these vouchers.

22. Vouchers for funding organisations in civil society

All liberal democracies in which membership and financial support of associations and movements is voluntary suffer from systematic under- and over-representation. Putting it bluntly, those small, compact and privileged groups that have less need for collective representation get the most of it. Those large, diffuse and underprivileged groups that most need the public goods that only a strong and well-funded collective action can ensure get much less of it. As the German-American political scientist, E. E. Schattschneider, put it, “the trouble with the interest group chorus is that it sings in an upper-class accent”, and Europe is no exception – regardless of level or location.

Our proposal is to provide an alternative source of funding for civil society organisations. This could be accomplished in a democratic manner through three closely related measures: first, the establishment of a *semi-public status* for interest associations and social movements; second, the financing of these associations through compulsory contributions; and third, the distribution of these funds by means of citizen vouchers.

This reform in the way civil society organisations are funded would deliberately avoid the specification by political authorities of any fixed category of representation based on class, status, sector, profession or cause – unlike contemporary chamber or corporatist systems. It would leave the task of determining the organisations to be funded to the competition for vouchers from individual citizens. In many cases, the reform would be costless – provided governments could be persuaded to eliminate all existing subsidies distributed by administrative agencies and allow citizens to choose which associations and movements deserve financial support.

The central purpose behind the development of a semi-public status for associations and movements is to encourage them to become better “citizens”, that is to treat each other on the basis of greater equality and mutual respect, and to dedicate greater attention to the interests and passions of the public as a whole. This would involve nothing less than an attempt to establish a charter of rights and obligations for civil society organisations. It would be naive to suppose that merely imposing certain rules would *eo ipso* make them into more “fact-regarding, other-regarding and future-regarding” actors. The legislation of most national democracies is strewn with unsuccessful attempts to regulate lobbies and pressure groups. What is distinctive about this approach is the coupling of respect for certain conditions of self-organisation and management with quite concrete incentives for support and a competitive process of allocation.

This reform recommendation rests squarely on the need to develop a new method for financing civil society that is independent of the ability and willingness of individual citizens to pay – which means extracting resources involuntarily from all those who ultimately will benefit. The contribution should be collected equally from all persons resident in a given territory. Persons who wished could also give voluntarily to various causes, but this would not exempt them from the general “representative donation”. Note that, by tolerating such a freedom, small and compact “privileged groups” would still be more likely to attract disproportionate resources, since their members would continue to have greater incentives to give voluntarily in addition to the general levy. Nevertheless, given the large numbers involved, a very considerable harmonisation of resources across interest categories and passionate causes would be likely.

The most feasible manner for doing this would be to attach this obligation (and the voucher system) to the annual filing of the personal income tax – at least in those countries where virtually all adult residents are required to file, if not to pay such taxes. Indeed, in the interest of equity, those who are tax exempt because of low revenue, should be exempted from the representation levy, but they would still be empowered to distribute vouchers which would count towards determining which specific associations received money from the common fund. What is important is to retain the low level of individual payments – say, €100 per person – in order not to scare away potential supporters of the reform, but to make the aggregate level of resources provided sufficient to compensate for persistent inequalities between interests. It would also be essential to convince the public that such an arrangement would constitute an important extension of democratic rights – analogous to the previous extension of the franchise.

What pulls this entire scheme together is the mechanism of vouchers. These specially designated, non-transferable units of account could be assigned only to those interest associations and social movements with a semi-public status, in proportions chosen by individual citizens. The only “cost” involved in spending them would be the individual’s time and effort in getting acquainted with alternative recipients, plus the time needed to check off boxes or fill in blanks.

Vouchers have many attractive features that would benefit the domain of specialised representation. They would permit a relatively free expression of the multiplicity of each citizen’s preferences – rather than confine he or she to a single-party list or a single candidate as do most territorially-based voting systems. They would allow for an easy resolution of the “intensity problem” that has long plagued democratic theory, since their proportional distribution by individuals across associations should reflect how strongly the citizenry “really” feels about various interests and passions. They equalise the amount paid by each person, thereby, severing the decision to contribute from the unequal command over resources that unavoidably stems from the unequal distribution of property and wealth. They offer no rational motive for waste or corruption since they cannot provide a direct or tangible benefit to the donor and can be spent only by certified associations for designated public purposes. Moreover, they should provide a very important incentive for reflecting on the nature of one’s interests, thereby,

encouraging the opening-up of a new public space. Since they would be repeated over time, the distribution of these vouchers would present a virtually unique opportunity to evaluate the consequences of one's past choices.

Vouchers would, therefore, become a powerful mechanism for enforcing the accountability of existing associations and movements since if the behaviour of their leaders differs too remarkably from the preferences of those who spent their vouchers on them, citizens could presumably transfer their vouchers elsewhere. They would also make it relatively easy to bring forth previously latent groups unable to make it over the initial organisational threshold, instead of using vouchers to switch back and forth among existing rival conceptions of one's interests. And finally, vouchers offer a means of extending the principle of citizenship and the competitive core of democracy in a way that neither makes immediate and strong demands on individuals, nor directly threatens the entrenched position of elites.

Borrowing (but inverting) a slogan from an earlier struggle for democracy, one could say that what we are advocating is "No Representation Without Taxation!"

23. Vouchers for financing political parties

Financing political parties is a delicate issue. In most polities, political parties tend to be chronically underfinanced, and, therefore, they seek to raise money in dubious, non-transparent ways that risk being perceived as corrupt. The accusation of corruption hovering over their finances reinforces the negative popular image of political parties, creating a vicious circle that makes normal citizens less likely to contribute voluntarily to their support, and undermines not only the prestige of democratic institutions and politicians but also public trust in them. As a consequence, political parties do not feel they have enough popular legitimacy to ask for more financial support from the public budget. This keeps them in a perpetual grey zone, on the borderline between legal and illegal means of financing their activities.

One solution for this problem could be a system of vouchers for the specific purpose of distributing public funds to parties. When people vote in general elections, they would also be able to vote a "second time", that is to vote on the distribution of a fixed sum to the party or parties of their choice. In order not to risk too great an initial impact, only 50% of the total public funding for parties would be distributed in this fashion. The other 50% would be determined by the proportional results in the previous elections – as tends to be the practice today. Eventually, this pre-allocation could be abolished and all such funds would be distributed directly by citizens – regardless of how well the respective parties performed in past elections. What is important, however, is that the aggregate sum to be distributed should be higher than is presently the case and sufficient enough not to be overwhelmed by the efforts of individual parties to extract resources from private sources. Presumably, if citizens are convinced that they personally determine which party will be rewarded with their tax money, they will be willing to devote more resources to that purpose.

It should be noted that this second vote would be independent of their vote for political parties or their candidates in that election. Citizens could decide to split their voucher across different parties or allocate them to a minor party that had no immediate prospect of winning. In the more extreme version of this reform measure, voters could even choose to reward “none of the above”, that is withhold their financial support to all the existing parties. Such funds would accumulate from election to election and groups of citizens with a minimum number of signatures distributed across a range of constituencies would become eligible for seed money to fund new parties.

We would expect that in most cases the voter would support his or her preferred party, both electorally and financially. Nevertheless, we can also assume that a significant number would divide their vote. First, they would support a party that they prefer most in the electoral race, but secondly they might invest in another party that they would like to see gain more influence in the future. This would enhance the strategic calculations of voters (and might make it more fun to vote) and it should also help minor parties to organise in a more competitive fashion. Another desirable effect of such a reform would be to encourage all parties, major as well as minor, to campaign vigorously for a higher turnout since only those vouchers distributed by actual voters would generate income for them.

24. Referendums and initiatives

The overall trend towards greater direct participation of citizens in decision-making processes at all levels should be given support by the Council of Europe. Both the governmental referendum and the popular initiative are devices that uniquely allow citizens to hold their representatives and rulers accountable. They also tend to increase citizens’ interest and expertise in political issues and, therefore, complement other reform efforts aimed at improving levels of civic competence in politics. Finally, such devices should enhance the democratic legitimacy of political decisions.

We recommend that institutions of direct democracy be added to the set of representative democratic mechanisms on all levels of government, including the supranational or European level, with the local level offering the most appropriate starting point for experimentation and evaluation processes in those polities that are not already using them. The European Union should be encouraged to go further than the right to petition proposed in its draft Constitution and introduce both a European initiative and a European referendum. In political systems where such mechanisms are still unknown, priority should be given to the requirement to approve constitutional amendments and ratify major international treaties of major importance by the citizenry as a whole. While there is no ideal type of direct democratic institution, we recommend that both referendums and initiatives be binding rather than consultative. This guarantees the electorate that its decisions will be implemented and this, in turn, may encourage a higher voter turnout. We advise against the use of quorums on the grounds that collective decisions by the citizenry should produce policy effects independently of turnout levels. In federal

systems, as well as the European Union, we suggest a Swiss-style design based on a double-majority – one based on numerical criterion and the other based on negotiative criterion that is sensitive to variation in the size of member units. Both the drafting and eventual approval of popular consultations should be subject to judicial review by national constitutional courts and, in the case of eventual EU referendums, by the European Court of Justice.

Similar to the Venice Commission's *Code of good practice in electoral matters*, we recommend that the Council of Europe draft a handbook on referendums and initiatives. A code of good practice of this sort would be useful in both the conduct of popular consultations and their subsequent evaluation.

25. Electronic support for candidates and parliaments (“smart voting”)

We recommend that the Council of Europe actively support efforts at developing electronic support systems which would offer citizens – in conjunction with eventual online voting or e-voting (see below) – new sources of information designed to improve the quality, if not also the quantity, of their participation in elections at all levels of government. At the core of this recommendation lies a set of technological arrangements that would allow citizens to match their political opinions with those of specific parties and candidates during electoral campaigns, as well as eventually to engage in e-deliberation with these very same parties and candidates.

These “smart voting” technologies already exist in some Council of Europe member states, although they are not in widespread use. They encourage all candidates to fill in an online questionnaire containing an extensive set of policy questions. Candidates would answer questions such as: “Are you in favour of licensing atomic energy plants?” by clicking on their preference (“very much in favour”, “rather in favour”, “rather against”, “very much against”, “neutral” or “undecided”). In addition, candidates would be able to give weight to their preference (“high importance”, “medium importance”, “unimportant”). The questionnaire would be designed by an official non-partisan commission that, after hearings with civil society organisations and experts from academia, would determine which questions to include and which format to use.

Citizens would then be able to fill in the same questionnaire online and at no cost, either in its full version or in a shorter one that takes up less time. They would instantly be provided with a relative measure of their preferences on specific issues of public concern compared to other citizens who filled out the questionnaires and the distribution of candidates’ answers. Virtually instantaneously, they could discover which candidates and parties have preferences similar to their own. They could also choose to fill in the questionnaire anonymously or to register as “smart voters”, so their political profile could be stored not only for their personal future reference, but also made accessible to candidates and parties as an alternative to their reliance on public-opinion polling. This would be analogous to the personal customer profiles used in e-banking technologies and could even become an important source of knowledgeable interaction between representatives and

citizens. Politicians or parties might even use the (voluntary) system of registration as a way of contacting or recruiting “sympathetic” citizens in the course of future elections.

After filing the citizen’s online questionnaire, the system would automatically match his or her preferences with data coming from all the candidates in order to produce a “virtual substantive ballot”, ranking them according to the proportional overlap between the candidates’ and the citizen’s answers. Obviously, the more questions answered by the citizens, the more detailed and accurate their profiles will be. Clicking on candidates’ names would also provide the citizen with detailed information about their party affiliation, political profile, previous voting record (if incumbent), links to their personal website, e-mail and other contact information. Candidates could provide smart-voting citizens with detailed justifications for their choice on each item of the questionnaire in order to explain why tradeoffs and compromises were made.

The virtual ballot filled out by the “smart voter” server could even be printed out for use at the polling station, especially in those cases of open-list systems that allow the voter to register a preference for individual candidates. In the future, should e-voting become widespread, an electronic version of the “virtual substantive ballot” could be filed directly over the Internet.

26. Electronic monitoring and online deliberation systems

Between elections, electronic online platforms should be set up to monitor and map roll-call votes of all representative bodies. By accessing this platform, citizens would be able to continually evaluate the political behaviour of their representatives during their mandate. For every roll-call vote in Parliament, every vote would be immediately fed into an online database that would generate an objective profile of the voting choices of all MPs. The same should be done for all lower-level representative bodies. Voters could therefore obtain detailed information on their representatives’ political activity easily and at virtually no cost.

A similar system already exists in many member states, but it is provided by organisations in their respective civil societies that generate scales for rating the extent to which voting by representatives conforms to standards of environmentalism, feminism, liberalism and so forth. These can be quite useful, but they can also be subject to manipulation since the citizen-consumer may not be familiar with the criteria embedded in scoring votes on individual bills. The reform we are proposing makes this transparent and allows the individual the freedom of making up his or her own set of priorities and weights.

Citizens could also be enabled to simulate online the votes they might have cast on past bills, as if they themselves were elected representatives. The aim of this would be to produce a virtual profile that would fit the citizen’s individual combination of interests and passions. One’s own simulated, “virtual” voting profile could then be matched with the profiles generated by “real” representatives, providing voters with yet another possibility to evaluate incumbent candidates. The matching-technique would be analogous to that used by the “smart voting”

technology discussed above in proposal No. 25. Candidates running for the first time in a local, provincial or national election should be invited to fill out one of these virtual profiles and enabled to give detailed arguments for their real or virtual choices on specific measures.

In addition, online tools could be developed and made widely available that would encourage political deliberation among citizens – and not just between them and their representatives. Of course, so-called chat rooms already exist in very large numbers for a seemingly infinite variety of issues. The contribution of publicly promoted tools of this sort would largely be to systematise and publicise their existence, connect them to representatives at all levels and, perhaps through “democracy kiosks”, encourage and equalise access to such forums of discussion. There are also a number of delicate political and ethical issues involved in monitoring such sites. Here, again, is an opportunity for the Council of Europe to investigate “good practice” among its member states and publicise relevant standards.

27. Postal and electronic voting

In a recent report, the Venice Commission concluded that both remote and electronic voting are, in principle, compatible with the standards of democracy in Europe. We believe that the Council of Europe should encourage the introduction of remote voting – be it postal or electronic or both – in elections and referendums. Until the means for remote voting are universally accepted, they should be introduced as supplementary channels for political participation. In general, we would recommend that postal voting be introduced before e-voting, and that for an interim period alternative means of site and non-site voting be made available to all citizens. Experience has shown that, once offered the choice, non-site voting quickly becomes the norm, eventually making it easier to switch to a policy of exclusive non-site voting.

Remote voting procedures enhance two elements of the voting process. First, they are more convenient and second, they give the citizen more time to make his or her choice. There is usually a period of one or several weeks during which voters can cast their ballot. Studies show that these two factors tend to lead to higher turnout rates and do not seem to advantage or disadvantage specific groups of voters.

In analogy to the exercise of political rights in Europe, postal voting can be designed according to three basic types. The first, multiple request, requires voters to request formally the ballot forms with which to vote by mail for each election/popular consultation. Once received, they return the ballot by mail as well. This type of postal voting seems best suited for electoral systems that require voter registration for each election. In the second type, single request, voters need only request that their voting ballot be sent to them once. Citizens will thereafter – for the rest of their lifetime – automatically receive ballots and, therefore, the possibility to vote by mail. This type of “single request postal voting” is best suited to an electoral system where voters are required to register only once for all elections. Finally, the third type, fully automatic, refers to systems where the electoral roll is produced from census and/or housing registration without any need for prior

action by citizens. In this case, all relevant voting materials are sent automatically to all voters who can then cast their ballots by mail.

Studies have shown that the fully automatic version of postal voting produces has the most impact on improving electoral participation. As with voter registration, the more automatic and open the system, the more convenient voting becomes, and greater is the expected increase in turnout.

In the case of remote electronic voting over the Internet, the procedure could be embedded in an extensive “virtual” election site containing modules that would allow citizens to deliberate among themselves before casting their ballots; to access political information provided by parties and candidates but also by associations and movements in civil society; to evaluate the congruence between their own political stances and the choices of the candidates and incumbent representatives (see Nos. 25 and 26); as well as to vote at a convenient moment from home, office or “democracy kiosk”. Not only should this increase the quantity of voting, but also the quality of the voters. The additional information and time to assimilate and evaluate it should contribute to a more reasoned exercise of the franchise. There are still many issues to be resolved before citizens (and politicians) will feel secure in using this technology, but experimentation is currently underway in many member states – mainly, at the local level. The Council of Europe is an apposite international institution for evaluating the alternatives involved and the lessons learned, and to produce a code of good practice with regard to such electronic voting procedures.

28. An agent for the promotion of democratic reform

The Council of Europe has established itself as the most significant agency for monitoring the practice of human rights in Europe and already plays a significant role in “certifying” the existence of democracy in those countries that have recently emerged from autocracy. Its Venice Commission has carved out a creative role in supplying disinterested legal and constitutional expertise to newly founded democracies in Central and Eastern Europe.

We propose that the Council of Europe should extend its role into the systematic improvement of the quality of democracy in both its actual and its prospective member states. This would involve the creation of a permanent body composed – as is the group of experts who have written this paper – of both academics from several disciplines and politicians with experience at different levels of government and in civil society who would monitor the nature and pace of reforms, evaluate their consequences and, where appropriate, advocate their extension to other governments or countries. This should be done periodically, say, every five years, and make extensive use of data gathered by a regular reporting system in which the member states would be asked to provide information on the reforms that they have undertaken, as well as on the normal performance of their democratic institutions – much as the Organisation for Economic Co-operation and Development (OECD) has done in the field of economic performance. It would not be asked to issue “score cards” comparing the quality of democracy across member states, so

much as to identify emerging “good practices” and promote their diffusion to other polities. This requires an initial conceptual framework – such as is provided by this Green Paper – that would identify the key institutional dimensions of contemporary liberal democracy and the standards for evaluating its performance. Needless to say, as we have noted repeatedly, these standards are not uniform throughout the region but vary over a considerable (but not infinite) range.

The mandate of this group of experts should include the possibility of reporting when the quality of democracy in a member state has significantly declined and descended below the European minimum. In which case, it could issue an “orange card”, more serious than a yellow one in the sense that it would recommend that the Council of Europe consider suspending the membership of that country until improvements are effected. Needless to say, the final decision to suspend (that is the “red card”) would remain with the members of the Council.

Sales agents for publications of the Council of Europe Agents de vente des publications du Conseil de l'Europe

BELGIUM/BELGIQUE

La Librairie européenne SA
50, avenue A. Jonnart
B-1200 BRUXELLES 20
Tel.: (32) 2 734 0281
Fax: (32) 2 735 0860
E-mail: info@libeurop.be
<http://www.libeurop.be>

Jean de Lannoy
202, avenue du Roi
B-1190 BRUXELLES
Tel.: (32) 2 538 4308
Fax: (32) 2 538 0841
E-mail: jean.de.lannoy@euronet.be
<http://www.jean-de-lannoy.be>

CANADA

Renouf Publishing Company Limited
5369 Chemin Canotek Road
CDN-OTTAWA, Ontario, K1J 9J3
Tel.: (1) 613 745 2665
Fax: (1) 613 745 7660
E-mail: order.dept@renoufbooks.com
<http://www.renoufbooks.com>

CZECH REPUBLIC/ RÉPUBLIQUE TCHÈQUE

Suweco Cz Dovož Tisku Praha
Ceskomoravska 21
CZ-18021 PRAHA 9
Tel.: (420) 2 660 35 364
Fax: (420) 2 683 30 42
E-mail: import@suweco.cz

DENMARK/DANEMARK

GAD Direct
Fiolstaede 31-33
DK-1171 COPENHAGEN K
Tel.: (45) 33 13 72 33
Fax: (45) 33 12 54 94
E-mail: info@gadirect.dk

FINLAND/FINLANDE

Akateeminen Kirjakauppa
Keskuskatu 1, PO Box 218
FIN-00381 HELSINKI
Tel.: (358) 9 121 41
Fax: (358) 9 121 4450
E-mail: akatilaus@stockmann.fi
<http://www.akatilaus.akateeminen.com>

FRANCE

La Documentation française
(Diffusion/Vente France entière)
124, rue H. Barbusse
F-93308 AUBERVILLIERS Cedex
Tel.: (33) 01 40 15 70 00
Fax: (33) 01 40 15 68 00
E-mail: commandes.vel@ladocfrancaise.gouv.fr
<http://www.ladocfrancaise.gouv.fr>

Librairie Kléber (Vente Strasbourg)
Palais de l'Europe
F-67075 STRASBOURG Cedex
Fax: (33) 03 88 52 91 21
E-mail: librairie.kleber@coe.int

GERMANY/ALLEMAGNE AUSTRIA/AUTRICHE

August Bebel Allee 6
Am Hofgarten 10
D-53175 BONN
Tel.: (49) 2 28 94 90 20
Fax: (49) 2 28 94 90 222
E-mail: bestellung@uno-verlag.de
<http://www.uno-verlag.de>

GREECE/GRÈCE

Librairie Kauffmann
28, rue Stadiou
GR-ATHINAI 10564
Tel.: (30) 1 32 22 160
Fax: (30) 1 32 30 320
E-mail: ord@otenet.gr

HUNGARY/HONGRIE

Euro Info Service
Hungexpo Europa Kozpont ter 1
H-1101 BUDAPEST
Tel.: (361) 264 8270
Fax: (361) 264 8271
E-mail: euroinfo@euroinfo.hu
<http://www.euroinfo.hu>

ITALY/ITALIE

Libreria Commissionaria Sansoni
Via Duca di Calabria 1/1, CP 552
I-50125 FIRENZE
Tel.: (39) 556 4831
Fax: (39) 556 41257
E-mail: licosa@licosa.com
<http://www.licosa.com>

NETHERLANDS/PAYS-BAS

De Lindeboom Internationale Publikaties
PO Box 202, MA de Ruyterstraat 20 A
NL-7480 AE HAAKSBERGEN
Tel.: (31) 53 574 0004
Fax: (31) 53 572 9296
E-mail: books@delindeboom.com
<http://home-1-worldonline.nl/~lindeboo/>

NORWAY/NORVÈGE

Akademika, A/S Universitetsbokhandel
PO Box 84, Blindern
N-0314 OSLO
Tel.: (47) 22 85 30 30
Fax: (47) 23 12 24 20

POLAND/POLOGNE

Główna Księgarnia Naukowa
im. B. Prusa
Krakowskie Przedmiescie 7
PL-00-068 WARSZAWA
Tel.: (48) 22 22 66
Fax: (48) 22 26 64 49
E-mail: inter@internews.com.pl
<http://www.internews.com.pl>

PORTUGAL

Livraria Portugal
Rua do Carmo, 70
P-1200 LISBOA
Tel.: (351) 13 47 49 82
Fax: (351) 13 47 02 64
E-mail: liv.portugal@mail.telepac.pt

SPAIN/ESPAGNE

Mundi-Prensa Libros SA
Castelló 37
E-28001 MADRID
Tel.: (34) 914 36 37 00
Fax: (34) 915 75 39 98
E-mail: libreria@mundiprensa.es
<http://www.mundiprensa.com>

SWITZERLAND/SUISSE

Adeco – Van Diermen
Chemin du Lacuez 41
CH-1807 BLONAY
Tel.: (41) 21 943 26 73
Fax: (41) 21 943 36 05
E-mail: info@adeco.org

UNITED KINGDOM/ROYAUME-UNI

TSO (formerly HMSO)
51 Nine Elms Lane
GB-LONDON SW8 5DR
Tel.: (44) 207 873 8372
Fax: (44) 207 873 8200
E-mail: customer.services@theso.co.uk
<http://www.the-stationery-office.co.uk>
<http://www.itsofficial.net>

UNITED STATES and CANADA/ ÉTATS-UNIS et CANADA

Manhattan Publishing Company
2036 Albany Post Road
CROTON-ON-HUDSON,
NY 10520, USA
Tel.: (1) 914 271 5194
Fax: (1) 914 271 5856
E-mail: Info@manhattanpublishing.com
<http://www.manhattanpublishing.com>

Council of Europe Publishing/Editions du Conseil de l'Europe

F-67075 Strasbourg Cedex

Tel.: (33) 03 88 41 25 81 – Fax: (33) 03 88 41 39 10 – E-mail: publishing@coe.int – Website: <http://book.coe.int>