

The role of citizens, MP's, Rule of law and Separation of Powers in strengthening democracy

*The distribution of power is not a zero-sum-issue:
Increasing citizens power makes representative democracy more representative and lawmaking more democratic*

**Contribution to the OSCE Human Dimension
Implementation Meeting's Working Session on
"Rule of Law: Separation of Powers and
Democratic Law-making"**

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Structure and main (thought and debate-provocative) thesis of this presentation:

1. The crises of democracy:
 - a. Too weak (The ruder does not touches the waters anymore, JvD)
 - b. Too national ("Too small for the big tings....")
 - c. Too centralistic (too big for the small things", RvW)
 - d. Too hierarchic (Too much top , too weak base)
 - e. Too thin (Representation only)
2. Democracy needs to be strengthened, by it's own democratisation
3. Pay attention to the design
4. How to overcome the difficulty of change ?
5. MP's and citizens can make a difference:
Share more, get more

Let's not sacrifice key notions of politics to the
banalisation of the media discourse:
**Let's overcome the banalisation of the
terms “Freedom” and “Democracy”**

- ✓ Democracy enables us to be free.
- ✓ Freedom enables us to act together on our common life (« Life is not a destiny »)
- ✓ Democracy constitutes the rules, rights and procedures to prevent conflicts to be solved violently

Democracy is an ongoing, never ending process: There are only unfinished Democracies

But we need to reduce the un-perfectiveness:

Today the democratic institutions do not allow the
society(s) to develop their potentials.

If they should become learning societies, their
democracy has to be democratized

In the 18th century, when Representative Democracy was created, it reflected the social distribution of and access to knowledge:
Few knew much - many knew less.

Today education, information and knowledge are no privileges anymore -
but freedom seems to become a privilege again.

*Democracy has to be designed in a way,
that allow(s) the society(ies) to realize
it's/their societal potentials*

The quality-check for democratic law-making is based on old Perikles:

“A good discussion is the condition for a wise decision.”

A good discussion needs independent, knowledgeable, open-minded, empathic, discursive participants and - time :

- Parliament
 - Public
 - Media
- civil society

Representative democracy is an essential part of Democracy.

But it should not have
the monopole of Democracy

Indirect Democracy enables you to vote your
representatives;

Direct Democracy enables you to vote on
important issues you don't want to leave to your
Representatives

This small difference has a huge impact !

**The citizens are the only source of
legitimate political power:
They should be and feel themselves as the
owners of the political process**

- The political parties are not the owners of Parliament
- The government should not control the Parliament
- The PM/President as the chairman of the majoritarian party should not be a democratic monarch

Today the majority of the citizens feel themselves alienated to democracy and the political process

- The process is too centralistic, too hierarchical, too concentrated and too controlled
- We need to develop the separation of powers in a vertical and in a horizontal sense:

More decentralization and more openness to citizen participation in elections and referenda

Direct Democracy is about people voting on issues, they proposed themselves

- The Right to Vote on important issues contributes to the democratization of democracy and improves the political culture of a country
- More substance, more alternatives, more differentiation, more deepness, more individual knowledge and more social learning

Really participatory citizen rights transform the political culture

- ✓ Nobody can command, everybody has to try to convince
- ✓ Much more people think, deliberate, discuss, learn
- ✓ Nobody has the privilege, not to have to learn

Politics are softer, more communicative, more deliberative, more educative - realizes the learning potentials of a society

Be aware of the design, which determines the quality of Direct Democracy

- Low signature requirements, allow open collection, no supermajorities (quorums)
- Cooperative, no antagonistic interface between repres. Dem. and Direct Dem.: Right to Counter-Proposals
- Deliberations and negotiations need time: No fast food democracy
- Fairness rules and transparency in the campaign-laws; dialogistic voter pamphlets

The design of indirect Democracy can be also democratized in order to increase the separation and sharing of Powers:

A. Electoral law

- Allow the citizens to compose their own list
- Allow them to choose candidates from different parties on their own list
- Allow citizens to double the vote for a cand.

This would:

- Increase the status of the MP's
- Reduce hierarchism
- Reduce the power of the party-bosses

The design of indirect Democracy can be also democratized in order to increase the separation and sharing of Powers:

B. Law on Parliamentary Affairs

- Increase the power of Parliament to initiate and realize lawmaking itself (in consultation of the Government, but not owned by the Gov.)
- Therefore the Parliament needs competences and independent intellectual resources
- The more transparent and consultative the process is, the more the Parliament can involve the civil society in it's own law-making

Parliamentarians and citizens hold the key for the future of democracy:

They just need to know how to use it and how to find the right holes

- They determine constitutional and legislative reforms
- They can decentralize power and share it better with the citizens
- They can engage governments, inform citizens and engage them
- They can propose electoral and party-law-reforms, fairness-rules and empower citizens

Institutional (“polity-”) dignity (respect) of the citizens is a essential contribution for making them respect others

- Participation makes you feel being part of the society, contributes to your identification with the whole society
- This social and political inclusion enables individuals to see and act towards nature and natural resources with respect and nonviolence
- You create a sense of belonging and togetherness which transcends the horizons the humans beings to all life.
- The quality of one relation increases the quality of the other

More social justice and respect of the nature require a trans- nationalisation of democracy

- “Those, who are concerned by a problem have to be a part of the decision-making process to solve the problem”
- National Democracies are structurally enable to impose to transnational markets social and ecological limits
- National governments are often too weak to oppose transnational economic lobbies

Without broad citizen movements which include MP's you can not democratize Democracy

Reluctant Politicians are only ready
to share power
if they are afraid to loose all of it:
you can not democratize Democracy without
powerful citizen movements and a
active civil society

The less unfinished democratic law-making is....

- ... the more everybody understands
change as a collective learning
process which includes the whole
society and excludes no one,
- ... the less you face and provoke
violence or violent tendencies.