



UNIVERSITY OF ICELAND
THE SOCIAL SCIENCE RESEARCH INSTITUTE

Dear participant in the 2019 Deliberative Poll on the future of democracy in Iceland,

Welcome to this Deliberative Poll on amendments to the Constitution of Iceland, held by the Office of the Prime Minister in collaboration with the University of Iceland and Stanford University. The meeting will include discussions on amendments to the Constitution of Iceland, initiated by the Prime Minister and in consultation with the chairs of all parties currently represented in the Althingi (parliament).

The 2019 Deliberative Poll will be conducted in accordance with the methodology developed by Professor James Fishkin of Stanford University and used all over the world in the past two decades. Participants will not be asked to reach a joint conclusion and no resolutions will be issued. The aim is to obtain a better understanding of public opinion by examining, through quick surveys before and after the discussions, whether and in what way the views of participants change by taking part in discussions of this kind.

After the meeting, the government will receive a report and statement to use as a basis for preparing a parliamentary bill (the stated aim is for public opinion to play an important part in shaping a parliamentary bill on constitutional amendments).

We advise you to read the introductory material on the topics of the discussion carefully. Its purpose is to provide insight into the issues to be discussed and help participants get started with their discussions, regardless of their previous interest in constitutional matters. The introductory material covers six topics and includes a brief background on each topic for discussion, followed by a presentation of arguments for and against the proposals on which you have already taken a position in the survey and which will be discussed further at the Deliberative Poll. The aim of the introductory material is to enable everyone to have the same starting point in the discussion. The organisers have strived to present the material so that no position is taken on the subjects. It does not include comprehensive information on the debate on constitutional matters in recent decades and does not attempt to provide participants with complete information. However, we believe that these instructions are useful for initiating discussions in the groups. They will then develop according to the views and arguments put forward by you, the participants. It is important to reiterate that the focus of the meeting is on specific elements of the constitution that are to be revised, and not its complete revision.

These three resources are recommended for those who want to do further research before the Deliberative Poll: Firstly, the website stjornarskra.is, where you will find a variety of information

on constitutional revisions from the founding of the Republic. Secondly, the website of Betra Ísland (<https://betraisland.is/community/1017>) which has in recent weeks hosted a public consultation on constitutional amendments, extending to the topics discussed at the 2019 Deliberative Poll and several more. Thirdly, we refer you to the collection of links compiled for participants where you can easily find a various material on the Constitution and amendments to the Constitution: <http://constitution.hi.is/resources/>. This includes information on the work and proposals of the 2011 Constitutional Council and a database used by the Council.

Best regards,
on behalf of the University of Iceland



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1. THE OFFICE OF PRESIDENT OF ICELAND

The provisions on the office of President of Iceland have remained unchanged since 1944, when Iceland's constitutional arrangement was amended with the founding of the Republic of Iceland. It can be argued that the President was given the same constitutional role as the King of Denmark had before, as many of the articles that pertained to the King's position in Iceland's constitutional arrangement before the founding of the Republic were transferred to the office of President in the new Constitution of 1944. The constitutional amendments of 1944 were limited to the provisions necessary for dissolving the union with Denmark and founding the Republic. However, the 1944 Constitution added that if the President refused to promulgate a law, the public should have the final say on its validity in a referendum. Later, a comprehensive revision of the Constitution was planned, particularly on the provisions pertaining to the office of President.

The President of Iceland is the nation's head of state and Iceland's highest official. According to the Constitution, the President is the supreme holder of executive power and joint holder of legislative power along with the parliament, the Althingi. The Constitution states that the President appoints ministers, assigns their duties and dismisses them. The Constitution furthermore states that the President concludes agreements with other states, appoints public officials, convenes and dissolves the Althingi and may put bills and draft resolutions before the Althingi. This would imply that the office of President is highly powerful, but other provisions contradict this. Article 11 states that the President of the Republic may not be held accountable for executive acts and Article 13 states that the President entrusts his authority to ministers. These two articles define the powers of the office in Iceland's constitutional arrangement.

The President therefore has little de facto power over executive acts, with two important exceptions. Firstly, the President may refuse to promulgate a bill passed by the Althingi, so putting it to a referendum where the final entry into force of the act is subject to the approval of the electorate. Secondly, the President has a specific role in forming a government following parliamentary elections. The President gives the political leader they deem most likely to be able to form a government a mandate to form a government, thereby potentially having an influence on the kind of government that will be formed. If the leaders of political parties are unable to form a government after a parliamentary election, the President can also appoint ministers to an extra-parliamentary cabinet consisting of people who are not elected members of the Althingi. There is no provision in the Constitution which states that the President has the power to appoint an extra-parliamentary cabinet, although it is formally recognised that the President can use this remedy. However, an extra-parliamentary cabinet must have the active or passive support of the Althingi, so the President cannot bypass parliament.

The powers of the office of the President have been a frequent topic of discussion, particularly in the run-up to elections. It has been noted that the constitutional provisions on the President's role in the political arena need to be clarified and better reflect the president's powers as they have actually been applied. At the same time, the question arises as to whether the President should have a greater role and more responsibilities, as well as the opposite question of whether the

President's role should be reduced and the symbolic status of the office emphasised. The Constitution has no provisions limiting the number of terms that an individual can serve as President. However, such provisions on heads of state are common, and the experience of the past 75 years gives reason to consider whether such provisions should be part of Iceland's constitutional arrangement. Finally, there is a special age requirement for presidential candidates, prohibiting candidates younger than 35 years old.

A summary of arguments related to the office of President of Iceland

The President should continue to be elected in the current manner, i.e. by a simple majority election.

Potential arguments for

The President has little power. Therefore the support of a majority of voters is not necessary.

Different candidates must have a chance of being elected. A simple majority gives more diverse candidates a chance to win.

Potential arguments against

The President's mandate must be unequivocal. This may undermine the will of the electorate if the winner does not enjoy decisive support.

The President must represent the entire nation. With a wide distribution of votes, a candidate with narrow appeal can win.

The President is elected in a two-round election where a second round is held between the two top candidates if no candidate secures an absolute majority of votes in the first round.

Potential arguments for

It is important that election results are unequivocal. A two-round system ensures that the winner has majority support.

Potential arguments for

High voter turnout is important. There is a risk of lower turnout in the second round.

The President is elected via a transferable vote system: voters rank candidates by preference, ensuring that the President has the support of a majority of voters.

Potential arguments for

In elections, it is not sufficient that the candidate who receives the most votes wins. With a system of this kind, voter preference also influences the outcome.

There is an unequivocal winner without the need for two election rounds.

There is strength in the President not being a controversial person. This system increases the chance of the least controversial candidate being elected.

Potential arguments for

The voting system must be easily understood. A system of this kind is not transparent to non-experts, so there is a risk of the public not understanding the legitimacy of the results.

Voters may find it complicated to not only have to choose but also rank the candidates.

Elections are a competition for votes. In this system, the most popular candidate is not necessarily elected.

The role of President should remain as it is: mainly ceremonial but with the power to put parliamentary legislation to a referendum.

Potential arguments for

There must be agreement on the role of the office. The office of President has enjoyed great support throughout the years and has proven its value.

Although the President should be uncontroversial, it is important that the President is able to exercise some influence when necessary.

The President should be a symbol of unity and represent the things that unite the nation.

Potential arguments for

The role of President must be clear. It disrupts the power structure of the state if the President can intervene at their discretion.

The current powers carry a risk of the President's personal views having an improper influence on legislation.

If the President takes a political position, the office may lose its unifying value.

The President should have less power, and not have any direct influence on legislation or institutional processes.

Potential arguments for

The President has cultural and moral significance. This significance has more weight if the President is not involved in political decisions.

The President must have leeway to express opinions on government acts. The President is better able to do this if they do not have a formal role in public decision making.

Potential arguments for

The idea of the President as a moral or cultural leader is far removed from the public.

If the powers of the President are reduced, there is a risk of the public not taking the office seriously.

The President should have more power than afforded by the current Constitution and participate in appointing and dismissing senior officials, legislative efforts and forming a government after a parliamentary election.

Potential arguments for

It is natural for the President to have a large role in shaping public policy. As the President is elected by the people, they are the only public official who has the direct support of the public.

Increasing the powers of the President provides checks and balances on both the legislative and executive branch.

Potential arguments for

The President should not be directly involved in shaping public policy. If the President has more power, there is risk of conflict between the President and the government.

Increasing the powers of the President undermines parliamentary sovereignty and could reduce public confidence in it.

There should be a limit to how many terms the President can serve.

Potential arguments for

There must be clear rules on the office of the President. It is helpful to know in advance what the maximum term of office can be.

Turnover of elected officials is an important part of democracy. It is better for democracy and participation in the democratic process if a President's term of office is not overly long.

Potential arguments for

It is not in the interest of democracy to prohibit voters from extending the term of a popular President. It is most natural for the voters to decide this.

It is important to give the President a chance to become fully effective in office. A President who sits a short term may be successful, but a long term in office can also be a benefit to everyone. Restrictions on this do not benefit democracy.

The age requirement for running for President should remain the same.

Potential arguments for

The President must be experienced. The age requirement increases the chances of the President having had important life experiences.

The office of President is partly an honorary office, so it is important that the President is respected, experienced and has a good reputation. The age requirement helps ensure this.

Potential arguments for

In a democratic society, discrimination based on age is never acceptable. All adults and fully fledged members of society should therefore be eligible.

Voters decide what qualities the President should have. Therefore, the choice should be entirely in their hands – including as regards age.

2. THE HIGH COURT OF IMPEACHMENT – THE ALTHINGI’S POWER OF INDICTMENT

The High Court of Impeachment is a special court that addresses alleged offences by government ministers. The High Court of Impeachment should not be confused with the newly established Landsréttur Appeals Court (intermediate court level).

The Constitution stipulates that ministers are responsible for all executive acts pursuant to special laws on ministerial responsibility. The Althingi is expected to decide whether to charge a minister with misconduct, and the High Court of Impeachment will adjudicate, i.e. determine whether the minister has violated the law. Violations are divided into three categories: a violation of the Constitution, a violation of other national laws and a failure to exhibit “good stewardship”. The law does not apply to violations committed outside the minister’s job, in which case the general penal code applies.

The High Court of Impeachment has been convened once. On 28 September 2010, the Althingi decided to charge former Prime Minister Geir H. Haarde with breaking the law on ministerial responsibility or, alternatively, with violating penal code provisions on gross or repeated negligence by public officials. On 23 April 2012, Geir Haarde was found guilty of failing to hold cabinet meetings to discuss important government matters in the run-up to the financial crisis. However, no punishment was issued for the offence.

In recent discussions about a revision of the Constitution, the necessity of these special prosecutorial and judicial arrangements for alleged ministerial misconduct has been questioned. The Constitutional Council Bill assumed that general courts would handle such matters rather than the High Court of Impeachment. The history of this provision predates the establishment of a parliamentary government in Iceland. Before the days of parliamentary democracy, this was intended as a way of ensuring that a minister who answered to the King was accountable to the parliament.

A summary of arguments relating to procedures for ministerial misconduct

The Althingi should continue to have the power to indict ministers for violations of the Ministerial Accountability Act and the High Court of Impeachment should rule on such matters.

Potential arguments for

The Althingi's checks and balances on the executive branch are an important part of democracy. The Althingi's power of indictment and the High Court of Impeachment are part of these checks and balances.

It is important to enforce the law on ministerial responsibility with the same gravity as other laws. As ministers hold executive power, their status may decrease the chances of a prosecutor finding against them.

Iceland needs to have rules on ministerial responsibility that are similar to those in comparable countries. Similar arrangements are in place in most European countries and have been deemed to be compatible with the provisions of the European Convention on Human Rights.

Potential arguments for

A fundamental principle of the judicial process is that the justice system is not abused for political purposes. The Althingi's power of indictment carries a risk of political abuse.

Charging a minister is a highly serious matter and the public must believe that this is only done when necessary. Personal friendships and relations between politicians render members of Parliament unfit to make such decisions.

The justice system must ensure that comparable rules are applied to all indictments and proceedings. The Althingi's decision to indict is not preceded by a police investigation, as is the case in other criminal proceedings.

The Althingi should have the power to indict ministers but general courts should adjudicate such matters.

Potential arguments for

The Althingi's power of indictment is an important part of the checks and balances on the power of the executive. However, a special court is not required to address charges levied by the Althingi.

The public has to be sure that impartial and reasonable conclusions are reached in proceedings against ministers. General courts can be trusted to ensure this.

Potential arguments for

The political abuse of the power of indictment must be prevented. The Althingi's power of indictment carries a risk of political abuse, so this must be abolished as well.

It is not advisable for general courts to become involved in matters that are political in nature, even though they concern criminal offences. As long as the Althingi retains this power, the High Court of Impeachment is necessary.

The Althingi should not have the power to indict ministers and the High Court of Impeachment should be abolished.

Potential arguments for

Ministers must never be above the legal system. The best way to ensure this is to treat their alleged offences in the same way as offences committed by other public officials.

The Althingi's checks on the power of the executive are political in nature. A vote of no confidence should therefore be the only remedy for politicians when it comes to ministerial misconduct.

Potential arguments for

A minister's actions must be subject to the same scrutiny as the actions of other public officials. Prosecutors and police, who are part of the executive branch, are unlikely to vigorously pursue a minister.

Politicians must not be in a position to influence the justice system. Ministers appoint judges to the general courts and there is a risk that rulings in matters of ministerial misconduct will be favourable to ministers. Therefore, the general courts should not address matters of ministerial responsibility.

3.PROVISIONS ON AMENDMENTS TO THE CONSTITUTION

Constitutional amendments are subject to different qualifications depending on the country. In Iceland, a simple majority from two parliaments separated by a general election is required for a constitutional amendment to be ratified. This means that 32 members of the Althingi can approve a bill to amend the Constitution in one parliamentary term and again in the next. That legislation then becomes a constitutional amendment. If constitutional amendments have been approved before the Althingi is dissolved prior to an election, voters are required to vote for or against the previous parliamentary majority to express their opinion on the proposed constitutional amendments. In some places, an increased parliamentary majority is required, in others a referendum, or the involvement and approval of parties other than the parliament.

The dual system is designed to prevent ill-conceived constitutional amendments due to temporary shifts in attitudes, and the reasoning is that there should be a broader consensus on such changes than a single majority can provide. Most countries have legislation to ensure that constitutional amendments are more difficult than ordinary amendments to legislation. They may require an increased parliamentary majority and sometimes the approval of other parties, e.g. local assemblies. In some places, a national referendum is required.

Although constitutional amendments generally require the approval of two parliaments with a general election held between them, the 1944 Constitution was composed in a different manner, i.e. with a simple parliamentary majority and a subsequent referendum. Several proposals have been made, including in the Constitutional Council Bill, to require a referendum to approve constitutional amendments, but they have not passed.

Major constitutional amendments since the founding of the Republic have concerned the organisation of parliamentary constituencies and elections. The human rights section of the Constitution was also revised in 1995.

A summary of arguments related to constitutional amendments

Amendments to the Constitution should continue to require the consent of two parliaments.

Potential arguments for

There must be broad consensus on constitutional amendments. Requiring the consent of two parliaments is a good way to bring about consensus on constitutional amendments.

It is important to give the public time to digest constitutional amendments. When two parliamentary votes are required, time is given and positions may change.

The involvement and opinions of the public are an important part of constitutional amendments. This method combines the advantages of representative democracy and direct public participation without the need for a special referendum.

Potential arguments for

The public should be able to consider constitutional amendments independently of other issues. This system makes it difficult for the public to evaluate constitutional matters independently.

It is important that support for constitutional amendments extends beyond the majority at any one point in time. A government that is firmly established and promises popular policies after the election is therefore in a position to amend the Constitution with a simple majority without broad consensus.

The public must be involved in constitutional amendments. In this system, the public has no real involvement as the constitutional debate is buried under general election campaigning.

A larger parliamentary majority ($\frac{2}{3}$) should be able to amend the Constitution in a single vote.

Potential arguments for

The Constitution is a living document that must reflect changing attitudes, so revising it should not be too difficult. A larger majority (e.g. $\frac{2}{3}$) is an appropriate threshold.

Parliamentary sovereignty is based on the power of the parliament to take decisions on behalf of the people, and it is important that this power is unrestricted. A requirement for a larger majority is a sufficient additional barrier to the simple majority rule that otherwise applies in making legislation. Further barriers are undemocratic.

Potential arguments for

The public has to be involved in constitutional amendments. A larger majority ($\frac{2}{3}$) does not preclude the political consensus in parliament from being out of step with the will of the public.

It must not be too easy to amend the Constitution, as political parties may then do so for partisan purposes. Such changes would be easy if only a larger majority is required, increasing the risk of abuse.

An overwhelming parliamentary majority ($\frac{5}{6}$) should be able to amend the Constitution.

Potential arguments for

A broad consensus is most important when revising the Constitution. It can be assumed that if amendments to the Constitution enjoy such overwhelming support in the Althingi, there must be corresponding support among the public. Direct public participation is therefore unnecessary.

A principal feature of the Constitution is its role as a fundamental instrument of governance. This means that the legislature must be able to respond quickly if there is a need for specific, uncontroversial constitutional amendments.

Potential arguments for

Changes to the Constitution should be made in full consultation and dialogue with the public. It is therefore appropriate to hold a referendum, even if the actual results are fairly certain.

Rushing constitutional amendments through is risky, so it is important to stick to a formal procedure (e.g. the consent of two parliaments or a referendum). This approach does not impede progress on issues for which there is general consensus.

Constitutional amendments must always be put to a referendum.

Potential arguments for

The Constitution is the basic law of society so it must have the general support of voters. The only way to safeguard this is for the citizens to be directly involved in approving any changes to it.

It is important to promote citizens' awareness of the Constitution. National referendums on constitutional amendments increase public understanding of the Constitution and its role.

Attitudes to constitutional amendments do not necessarily align with other political views, so amendments must rise above political compromises. The best way to achieve that is to require a referendum.

Potential arguments for

The Constitution is the basic law of society, as it is the basis of all legislation. A referendum is not necessary when the amendments are of a technical nature or are not disputed.

Abuse of referendums for special interests or demagoguery must be avoided. The public must be able to assess the need for a referendum at any point in time.

Constitutional amendments are too complex and sensitive for the direct involvement of the public to be necessarily beneficial. There is a risk of demagoguery. It is therefore better for constitutional amendments to be in the hands of elected officials.

4. NATIONAL REFERENDUMS, NATIONAL INITIATIVES

The Icelandic Constitution stipulates that a referendum should be held in certain circumstances: Article 11 states that a referendum should be held if the Althingi removes the President from office, Article 26 states that one should be held if the President rejects a bill, and Article 79 states that one should be held if the Althingi passes an amendment to the status of the church of Iceland. However, the Constitution has no provisions on referendums at the initiative of the public.

National referendums have therefore been fairly uncommon in Iceland as in many neighbouring countries. However, there has been an increasing global interest in referendums in recent years, including in Iceland.

However, the issue of referendums is not uncontroversial. Some view them as unnecessary or even harmful, as they interfere with the process of representative democracy. Politicians might, for example, be tempted to use this solution to shy away from being held accountable on difficult issues. Others view referendums as a check on the powers of elected officials and democratic institutions. Those who want to be cautious about the use of referendums often believe that a larger majority or minimum turnout should be required for the results to be binding. This is not the case in Iceland.

Eight referendums have been held in Iceland, two of which were on bills that the President refused to sign into law. In such cases, the legislature is bound by the result.

Another way for the public to influence legislation and the Althingi is by so-called national initiatives, in which the public can propose issues for the Althingi to address. Most commonly, those who wish to present a matter (e.g. a parliamentary bill or resolution) to the Althingi must collect a certain number of signatures. A national initiative does not force the Althingi to approve the matter, but forces parliament to consider the issue and draw attention to it. However, this is not a viable option unless reasonable requirements are made for the number of signatures.

A summary of arguments relating to national referendums and national initiatives

The results of a national referendum should generally be binding for the government.

Potential arguments for

The will of the people should always be considered the ultimate authority. If it is expressed in a formal referendum, such a vote must be binding on elected officials.

Although elected officials receive their mandate in elections, their power is not without limits and they must always abide by the will of the people. If a referendum is not binding, it is unnecessary and even harmful. Opinion polls provide sufficient evidence of public opinion.

Potential arguments for

Representative democracy means that power is always held by elected officials. Referendums can be used as a tool to ascertain public opinion on certain matters, but cannot be binding on elected officials.

Since elected officials have formal power, their policy should prevail. The results of a referendum may be at odds with the policies they have formulated. It goes against the fundamental principles of democracy to compel representatives to make decisions that go against their policy.

The results of referendums should only be consultative.

Potential arguments for

It is important that elected officials use the best methods available to mobilise the public and take their views into account. Consultative referendums initiate dialogue and can help to establish consensus in society.

It is important that the authorities can be guided by public scrutiny. Consultative referendums strengthen representative democracy, as they send a clear signal to elected officials.

Potential arguments for

When the will of the people is clear, it is illogical not to act upon the result. National referendums can undermine democracy if elected officials are free to bypass the results.

It is important to distinguish between a poll and a formal democratic act. The referendum has no purpose if its result has no more value than an opinion poll.

The result of a referendum should be binding if a supermajority supports it (2/3 or more).

Potential arguments for

The will of the people should always be considered the ultimate authority. It is not advisable for a narrow majority to decide on major issues. However, when a supermajority approves a proposal in a referendum, it is undemocratic for the Althingi to make a contrary decision.

Public scrutiny is an important part of democracy and the public must be able to have a real effect on the work of elected officials. It is reasonable that a narrow majority cannot do this, but authorities must be bound to abide by the results if the majority is overwhelming.

Potential arguments for

Representative democracy means that power is always held by elected officials. It is undemocratic if the temporary public interest deprives elected officials of their legal role, even though a large majority disagrees with them.

Although the power of elected officials is not without limits, they themselves must wield that power. It is important to send a strong message to elected officials, but is not beneficial to democracy to interpret such messages as binding instructions.

The President should be able to put new legislation to a referendum.

Potential arguments for

The role of head of state must include the power to halt the progress of matters that may run counter to the will and interests of the people. The President must therefore be able to refer legislation passed by the Althingi to the people.

As the President is elected by the people, they are the public's representative in the government system. This is a healthy check on the legislature and increases the importance of the presidency.

The President's restraint on the use of power is an important part of the office. Therefore the President must also be able to act as a constitutional "safety valve".

Potential arguments for

The President has no formal power and should therefore not be able to interfere with the decisions of elected officials tasked with making laws. It is therefore unfortunate that the President is able to interfere with parliamentary decisions.

The President is a symbol of unity and should not take a position on controversial matters. There is a negative effect on parliamentary sovereignty if the President can use unpopular issues to pit the public against the legislature.

It is important not to confuse the role of the President with the role of e.g. ministers, who are responsible for executive acts. It is unnatural for the President to be able to have a decisive effect on legislation at their own discretion.

A minority of MPs, e.g. 1/3, should be able to put new legislation to a national referendum.

Potential arguments for

Widespread collaboration on important parliamentary business is important in a parliamentary democracy. If a minority in the Althingi can force a referendum, more collaboration between the government and the opposition may be expected.

A democratic state must constantly strive to improve its political culture. The minority's power to force a referendum on controversial issues will improve parliamentary culture, as overreach of the majority is less likely.

One of the principles of democratic governance is that the legislature takes public opinion into account. It is natural for the minority to be able to resort to this remedy if there are strong indications that the public disagrees with the parliamentary majority.

Potential arguments for

Majority rule is a vital component of parliamentary democracy. It may therefore be undemocratic if a minority of MPs can have a decisive effect, e.g. by threatening to force a referendum on sensitive issues.

A healthy political culture is based primarily on respect for legitimate authority. Such a rule may enable extremist factions to extort the parliamentary majority, thus undermining democratic politics.

It is important that democratic decisions are taken on the basis of clear mandates and that the work of the legislature is effective. The effectiveness of the legislature is reduced if the majority can stop proceedings by threatening a referendum.

The public should be able to demand a national referendum on new legislation if such a demand is supported by a certain proportion of voters.

Potential arguments for

The public's ability to hold power to account is an important part of democracy. Such a rule ensures a check on the legislature, who might subsequently have to make efforts to improve the relations with the public.

It is important that public criticism can be expressed in an organised and formal manner. The right to ascertain whether Parliament has veered off course must therefore be present, and referendums are a good way to test this.

The legislature must be able to take various interests in society into account. The likelihood of interests that affect a proportion of the nation being disregarded is reduced if a certain percentage of voters can force a referendum on new legislation.

Potential arguments for

Public scrutiny in the form of discussions and criticism provide important support for representative democracy. Such referendums are equivalent to a dispute between the public and the parliamentary majority at any given time, thus undermining the legitimate authority of elected officials.

Public consultation is an important part of modern democracy. Referendums to accept or refuse legislation is not a good tool to increase public consultation as they increase the tension between the public and elected officials.

The legislature must not be too sensitive to the demands of stakeholders or pressure groups. Such a rule can make it easy for influential special interest groups to influence public policy or delay, or even stop, the progress of matters.

The public should be able to demand a national referendum on general issues, not only new legislation.

Potential arguments for

By increasing the number of referendums on important issues, democracy can be strengthened. It is therefore appropriate to find ways to increase their number, as the technical implementation is much simpler now than before.

Frequent referendums increase civic awareness among the public. Enabling the public to bring them about is therefore a good way to promote democratic participation.

The current system must be amended to meet the demands for increased public participation in democratic decisions. The right of the public to demand referendums, provided that certain requirements are met, is a good way to do this.

Potential arguments against

National referendums do not necessarily strengthen democracy, as they can upset the role of elected officials. It is therefore best to use them rarely and only after careful consideration.

Frequent referendums reduce interest in participation, as people will grow tired of familiarising themselves with complicated issues. Thus, this power of the public can upset and undermine representative democracy.

The demand for increased public involvement does not revolve around voting but having an effect on policy-making. More referendums are therefore not the appropriate response, but rather more public engagement at levels of policy-making.

Any policy issue can be the subject of a referendum.

Potential arguments for

In a democracy, referendums are both an important check on authorities and a way for the public to have a direct influence on policies and decisions. The best way to ensure that the public understands complicated and serious decisions is to enable the public to take part in them.

Parliament must be diligent in its work and information supply to the public. When there is always a possibility of deciding issues in a referendum, elected officials are more likely to be diligent in their work.

Increased democracy means increased responsibility by the public to resolve major issues. It is natural for the public to demand to have the last word on the most important issues in society.

Potential arguments against

Referendums can be problematic and it is not always easy to present options in such a way that the public has a real choice on controversial matters so some issues are ill-suited for such a procedure.

Parliament must be able to fulfil its duties and take responsibility for them. Some decisions are unpopular but necessary. It is therefore natural for elected officials to be responsible for such conclusions.

Democracy has to deal with the rights of the individuals non less than the involvement of the public to the decisions. Many issues, such as those relating to human rights, cannot be subject to public opinion.

The public should have the opportunity to propose bills to Parliament with the support of a certain proportion of voters (national initiative).

Potential arguments for

The ideal form of democratic consultation is for the public to be able to influence parliamentary agenda and processes without undermining the role of elected officials.

Such a rule enables the public to have a direct influence on parliamentary processes without intervening in the work of Parliament.

It is important to increase and improve relations between voters and elected officials. National initiatives can enhance and improve the relationship between members of Parliament and the people they represent, and encourage members of Parliaments to seek the opinion of the public.

It is important to find various ways to make authorities more aware of the will and priorities of the public. National initiatives can be expected to encourage authorities to address issues on the basis of public recommendations.

Potential arguments against

It is important that Parliament itself decides its agenda and issues. National initiatives interfere with parliamentary processes and reduces Parliament's efficiency.

Improving the relationship between voters and elected officials is certainly important, but national initiatives do not contribute to this. On the contrary, misuse is likely because it is a way of interfering with parliamentary processes and forcing Parliament to address issues that do not enjoy wide support.

Increased consultation is important, but the work must be carried out on the right terms. Financial powers can easily overtake initiatives of this kind. It is more preferable to engage in consultation by way of organised discussions and calls for ideas.

5. ELECTORAL DISTRICTS, VOTE WEIGHT AND PERSONALISED VOTE

In parliamentary elections, political parties and movements can run in six electoral districts. A candidacy is not required to run in all districts. Residents of an electoral district can only vote the parties running in their district. The candidates elected in a particular electoral districts will represent that constituency in Parliament. They are often considered to be representatives of that region in Parliament, although some would rather view members of Parliament as representatives of the entire nation.

Most democracies are divided into electoral districts, usually based on geographical criteria. Each district in Iceland is represented by 8-13 members of Parliament. According to the current system, the smallest electoral districts have proportionally more representatives in Parliament than the larger ones, which means that a vote in a sparsely populated district has more weight than a vote in a more populous one. This has been referred to as an imbalance of votes.

The electoral system has been changed several times since the founding of the Republic, requiring amendments to the Constitution. In general, these changes have been made to reduce the imbalance of votes, although the imbalance has never been fully eliminated. It has often been proposed to make Iceland a single electoral district so voters will have an equal impact on parliamentary elections, regardless of where they live. The main argument against such an arrangement is that different regions have different interests and the interests of many areas may be ignored if they have no representation in Parliament.

Personalised voting has not been prevalent in Icelandic parliamentary and municipal elections since single-member districts were abolished in 1959. Since then, elections have been based on a list of candidates, with voters choosing between candidacies. Rules allowing voters to strike out individual candidates make it possible to rearrange the order of candidates on a list, but there are rarely enough strike-outs to have such an effect. Various proposals for more personalised voting have been discussed in recent years, particularly as regards increasing voters' influence on the order of candidates on a list. It is also possible to find ways to vote for candidates from more than one list. Personalised voting was utilised in the Constitutional Assembly elections of 2010.

A summary of arguments relating to electoral districts, vote weight and personalised vote

Electoral districts should remain unchanged.

Potential arguments for

It is important that the division of the country into electoral districts ensures all parts of the country have a representative in Parliament. Current constituency arrangement contributes to this and has thus been favourable.

Potential arguments against

A democratic system builds upon a political equality that insists every citizen has an equal say in the election of representatives. Current arrangement maintains unequal weight of votes and serves the democracy poorly.

There should be more electoral districts.

Potential arguments for

If the division of the country into electoral districts is to function that all parts of the country have a representative in Parliament, the electoral districts cannot be too big. Some electoral districts are too big for the current arrangement, but that makes it so that some electoral districts are left out.

Potential arguments against

Changes to the current system would need to lead to balance the weight of votes, whichever those other goals might be. Increasing the number of electoral districts is not likely to contribute to that goal.

The country should be made a single electoral district

Potential arguments for

Equal weight of votes is the most important goal of change that can be made to the constituency system. It would be best to make the country one

Potential arguments against

It is important not to confuse statistical equality and an actual one. If the country is one electoral district, the impact of smaller areas will be

electoral district to ensure that once and for all.

In a concurrent democracy, politicians are not keepers of specific special interests, but their jobs concern the interests of the country as a whole. If the country is a single electoral district, the political advocacy moves from winning over districts to a more comprehensive view.

diminishing. Such inequality has a bad impact on the policymaking for the countryside.

Although, an even the proportion of votes and seats is desirable, it is none the less important that interests of certain areas of the country is attended to, and they have an advocate. That is why it's not possible to see that this would improve the current situation to make the country a single electoral district.

Parliamentary and municipal elections should continue to be based on party lists but still allow for a more personalised vote.

Potential arguments for

It is important to support the representative democracy that voters can have more impact on the selection of representatives than the party lists allow. That's why it's necessary to design a voting system where voters can both have an impact on the order of candidates on a list and vote for candidates across lists.

Selection of the parties' policies does not satisfy the demand of the voters for the legislature's composition. That is why it's necessary to personalise the elections where voters can choose candidates to support.

Potential arguments against

A representative democracy in its form we are familiar with build upon a tradition of party politics, where parties rather than individuals ensure the progress of policies. It undermines this system to allow voters to stir up the arrangement of a party list, except within strict limitations.

In a multiparty system like the one we have in our country the ideology and fundamental policy is formed on the scene of the political parties. By moving the emphasis away from the parties and to the individual we risk the competition for votes move in to the field of the parties, which undermines the party work and is not in favour of the voters.

To strengthen the representative democracy, we need to emphasise the responsibilities of elected officials towards their voters. That's why increased personalised voting is necessary.

To strengthen representative democracy, the parties need to open up their operation and increase transparency in their work in the parliament. Personalised voting does not contribute to such goals.

Parliamentary and municipal elections should be personalised.

Potential arguments for

Parties can hinder direct connections between elected officials and voters, because often it's more important for voted officials to ensure their position within their party than to serve voters. If the role of parties is reduced in elections, bulky middlemen's importance is reduced.

It is important to better ensure that elected officials can take decisions independent of party line. Personalized vote makes them more independent of parties, therefore they are more free to follow their own conviction.

Potential arguments against

Political debate and opinion-making on the parties' scene is one fundamental aspect of modern democracy. If its weight reduces, ideological discussion also reduces which is necessary for democratic politics.

One of the most important aspects of pluralistic democracy is that the spotlight goes from persons to issues. As the emphasis on personalized vote increases elections can become more of a "popularity contest" where celebrities have an advantage over "ordinary people".

6. INTERNATIONAL CO-OPERATION - DELEGATION OF COMPETENCES

The Danish-Icelandic Act of Union, which granted Icelanders sovereignty in 1918, entailed that Iceland became an independent party to international treaties and international organisations. Following the founding of the Republic, Iceland became a member of the United Nations, a founding member of the International Monetary Fund and the World Bank, and a member of the Council of Europe and NATO. In 1970, Iceland joined the European Free Trade Association (EFTA) and became a member of the Agreement on the European Economic Area (EEA) as of 1994.

Today, Iceland, like the vast majority of countries, is an active participant in various forms of international co-operation. The most important of these is Iceland's membership of the EEA, which extends to the European Single Market as well as Iceland, Norway and Liechtenstein. It is often argued that today's global challenges and problems, e.g. in environmental and economic matters, require increased co-operation across borders, and even for states to undergo more international obligations. The EEA Agreement is an example of this. It provides access to the European Single Market, which is a common market in that the same rules on trade apply across the market. One sign of the extent of this co-operation is the fact that there are not only common rules on trade, but also on equality issues, consumer rights, environmental issues, education, etc.

When states establish international organisations that have the authority to make certain binding decisions for the states, e.g. establish laws that are enacted in the states, the states delegate these powers to the organisation. Thus, the EFTA Surveillance Authority (ESA) monitors whether rules are correctly adopted and implemented in the EEA states while a supranational judicial body (the EFTA Court) determines whether the states comply with the agreement. This constitutes, in some aspects, a delegation of executive and judicial powers. When new rules enter into force in the EEA area, it is done on the basis of approval by all parties. It could be argued that the EFTA states, including Iceland, only have a choice of whether to accept and implement EU rules or lose access to the Single Market. Thus the initiative for and main substance of legislation in important areas originates abroad, whereas Article 2 of the Constitution states that Althingi and the President exercise legislative power.

It has been argued that this is barely compatible with the Constitution. It is undisputed that full EU membership (or participation in similar international co-operation) would have to be based on a clear authorisation in the Constitution. Consequently, the question arises whether the Constitution should contain a provision that explicitly permits such close international co-operation and defines the way in which such decisions are made and what conditions apply, e.g. as regards the involvement of the public.

A summary of arguments relating to international co-operation

The Icelandic Constitution does not need to be amended to facilitate international co-operation agreements.

Potential arguments for

It is important that clauses in the Constitution give governments the permission that is needed for international obligations, but also that the sovereignty of the country is unlimited. Iceland's international obligations are likely to remain unchanged in the next years so there is no need for a constitutional amendment.

Potential arguments against

Constitutional clauses on delegations of competences need to allow governments unequivocal permissions to be able to fully exert itself for the benefit of Icelandic interests internationally. International cooperation has proved valuable to Icelanders, but it is barely constitutional. A revision is needed to ensure that international agreements comply with the Constitution.

The Constitution must be amended so the Icelandic government can agree to obligations that may follow from international co-operation.

Potential arguments for

Constitutional provisions on international agreements are necessary for the government to make decisions in accordance with national interests. The current Constitution does not reflect the importance of international cooperation for Iceland's interests. Therefore, it is important to revise them to make permissions of delegating power clearer.

Potential arguments against

One of the most important tasks of the Constitution is to guard the sovereignty of the country. The Constitution has so far not proven to be an obstacle in this regard. Its reservations act as useful safety valves to prevent the government from going any further in delegation of competences.

It is important that decisions on the implementation of international agreements are subject to clear rules that can be seen as beyond political conflict. Attitudes towards current constitutional provisions are mixed. It is important to rewrite them to ensure their understanding is unequivocal.

It is not advisable for the Constitution to include authorisations that enable politicians to exclude voters from decision-making. The Constitution currently has adequate qualifications to hold back unwise politicians.