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DIRECT DEMOCRACY AND THE ROLE OF REFERENDUMS IN DEMOCRATIC POLITICS

The essence of the concepts «direct democracy» and «referendum» are considered. It is determined that democratic institutions can contribute to the constructive resolution of conflicts and the adoption of fair decisions, and direct democracy is aimed at encouraging the expression of the will of the people. The main model models and trends in this area are analyzed. It is justified that the development of direct democracy is a prerequisite for further democratization of public administration.

Keywords: direct democracy, referendum, public governance, legal regulation.

In every society there are competing interests that can lead to conflicts. Democratic institutions are usually able to manage these conflicts, channel them in constructive ways and arrive at just and equitable solutions. Therefore, it is important in any conflict-management process to strengthen democracy. Especially following violent conflicts, people hope that democratization and creating inclusive democratic instruments will help defuse conflict and contribute to social integration. Groups that have felt marginalized are likely to demand more inclusive processes and better representation in democratic institutions. Direct democratic measures are often advocated as way of limiting the power of politicians and enabling the people to be the final arbiters.

Democracy is recognized as a necessary element of good governance. Decisions that are taken in accordance with established democratic procedures are regarded as legitimate. However, this «rule of the people by the people» can be organized in a multitude of ways. Political actors have a vested interest in designing political processes that are likely to produce preferable decisions. Decisions about the design of a democracy today will influence the power of

various parties tomorrow. It can be a major challenge to design democratic institutions and procedures that are acceptable to most of the elites in a country and that will still achieve generally acceptable decision-making.

In countries experiencing violent conflict, it is important to ensure that all segments of society are effectively represented and that everybody is able to participate in the political process. Here, two main issues must be addressed:

Firstly, the issue of representative democracy; how the best will disparate groups be represented in the various political institutions?

This depends a lot on two institutional features – the party system and the electoral system – which can be designed in ways that are either more or less helpful for multi-ethnic societies.

Secondly, the participatory processes of direct democracy; it would be useful to have an overview of two different concepts [1].

To talk about multilevel democracy, it could be emphasized that different levels of democratic governance within a federation or a decentralised state can bring political decision-making closer to the people and thus enhance their participation.

Geographical proximity to decision-makers is assumed to translate into greater political responsiveness. In addition, citizens can elect politicians to the national level of government who have already demonstrated their ability at the lower levels. In a representative democracy, citizens elect politicians who are charged with acting on their behalf and who mediate between the citizens and the government. Political parties normally emerge as the main mediators.

Two possible party systems are proposed for multi-ethnic societies:

– *Umbrella parties*: a party system with broad-based, inclusive and multi-ethnic political parties that have a country-wide constituency, rather than fragmented, personalized or ethnically based parties. Umbrella parties are more likely to encourage moderate political views;

– *Multiparty system*: a party system in which every important group has its own party, for example, a multi-party system with ethnic parties. Especially following violent ethnic conflicts, it is often unrealistic to assume that politicians from different groups will come together to form an overarching umbrella country-wide party.

The choice of electoral formulae has a crucial impact on stability, especially following violent ethnic conflict. The most

common plurality system is the first past the post or winner takes all system. However, this is considered unhelpful in multi-cultural societies as it makes it harder for smaller groups to be represented in parliament and government.

The preferential voting system is a plurality system that is seen as encouraging cross-community support. In general, preferential voting systems are designed so that voters can indicate their preferences with regard to candidates. Candidates have to seek cross-community support, mainly through vote-pooling mechanisms, e.g. single transferable votes.

Proportional systems aim to achieve a close match between the percentage of votes that groups of candidates obtain in elections and the percentage of seats they receive. Proportional systems are seen as more helpful because they make it almost impossible for a single party to obtain the majority of seats and votes and thus to dominate other, non-majority, groups. Coalitions between two or more parties are often created. The list proportional system is a proportional system that is seen as especially effective in encouraging cross-community support. In this system, the political parties provide open or closed lists of candidates. The system encourages parties to create balanced candidate lists which are likely to appeal to a whole spectrum of voters' interests [1].

Especially in the aftermath of violent ethno-political conflict, when trust in political parties may be low, it can be vital to adopt other ways, in addition to representative democracy, of involving the people more directly. Direct democracy provides formalized mechanisms for public participation.

Direct democracy, as opposed to representative democracy, is government by the people in which the supreme power is vested in the people and is exercised directly by them. All citizens can participate directly in decision-making without elected or appointed officials as intermediaries. Two forms of direct democracy are most common:

– initiative: citizens can submit a proposal, e.g. for a new law or to amend the constitution. Once a certain number of registered voters has signed the proposal, a formal Popular Vote on the proposal must be held, or the executive must consider the topic. Initiatives can be an important way for minority groups to bring their views and concerns into the political process. But sometimes, depending on the rules, a majority can sometimes use direct democratic instruments against a minority. For instance, a majority

can reject laws that are the result of a political compromise between different political groups. Especially where there is distrust, direct democratic instruments can encourage politics by emotion and even the ethnicisation of politics;

– a formal Popular Vote in which citizens are asked either to accept or reject a particular proposal or legal document (e.g. a constitution, an amendment or a law), or to remove an elected or appointed official (in certain countries). Referendums can be mandatory (required by law) or facultative (upon demand from the people or another authorized official body e.g. the president). Referendums can be binding or consultative.

Direct democracy is intended to encourage the expression of the people's will. However, the people can only express their will if the question in the initiative or referendum is clearly formulated and is limited to one issue at a time. In addition, the people's will is not necessarily always in accordance with international obligations or fundamental rights.

Direct democracy extends far back into political history. Popular voting on public issues occurred in the Greek city-states, and plebiscites were held in Rome. Then, after a lapse of a millennium and a half, the practice reappeared in Europe. The growth of popular voting on issues has grown quite slowly since then, but there is evidence that it, along with general democratic practice, is on the upswing worldwide [2–3].

It is very well known that the role of referendums in democratic politics is slowly but steadily increasing. There are experts who are not sure whether this is a trend we should welcome. Those who judge the expanding role of referendums in policymaking tend to adopt one of three theoretical positions.

Firstly, there is the pessimistic view advanced by foreign policy realists. They warn that direct democracy facilitates uninformed policymaking and therefore can be used by demagogues for self-interested ends. Everyday citizens, realists argue, are not adequately trained to handle intricate questions involving treaties, defense, and so forth. Such complex questions on policy require careful deliberation, patience, wisdom and experience. If, therefore, referendums continue to be widely used, foreign policy will soon become reflections of people's moral enthusiasm – at best – and people's headless passions – at worst. Meanwhile, demagogues, skillfully manipulating popular passions, will become highly influential [2; 3].

The realist perspective is not the sole theoretical position from which to decry the use of referendums in deciding international issues. Some advocates of participatory democracy also have advanced a pessimistic view that rests on a dismal picture of contemporary industrial societies. These theorists argue that until more radically participatory traditions evolve in advanced industrial societies, referendums will produce more harm than good. Citizens are too frustrated, fearful and inexperienced to act in politics in a deliberate and reflective manner. Instead, the managers of corporations, directors of electronic-media and other officials in the «command-posts» of modern society regularly manipulate the referendum process to their own advantage by playing on voters' resentments. Despite their purportedly democratic meaning, referendums are another weapon in the arsenal of the socially and politically powerful.

However, not all observers view referendums as either facades or dangers. Some analysts advocate referendums on grounds that they facilitate the participation of everyday people in politics, indirectly enrich policymaking by introducing concerns that government officials often overlook, and allow the people to assert their will against the preferences of the elites. According to these defenders of referendums, they have seldom been used as tools of demagogues, the wealthy and/or political elites. Citizens are not pieces of clay that can be easily shaped by elites. Citizens think for themselves and typically use referendums to draw elites' attention to overlooked grievances.

These views show that we have, at least, three disparate assessments about the meaning and role of modern referendums. Each viewpoint describes referendums in a very different light. Each encourages us either to decry and oppose the current wave of direct democracy in international affairs or to applaud and support it.

Realists often express fears that referendums signal the disappearance of diplomacy and expertise in foreign policymaking, while other critics warn that referendums will lead to policies that promote the interests of the economically and politically powerful. Defenders of referendums counter that as referendums become more commonplace, foreign policies will become more stable and judicious because everyday people are much more fearful of military adventures and rapid changes in the economic environment than are political leaders [3].

All these views seem to over-simplify the consequences on policy of direct democracy. Consider the realists' dire warnings. While there has been an obvious increase in the use of international-issue referendums in recent decades, there is no evidence that diplomacy and expertise no longer play central roles in policymaking. The vast majority of foreign policy decisions remain exclusively in the hands of diplomatic experts and career politicians. Most of the time, referendums have been used to supplement, not to supplant, elites' policymaking.

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Пряма демократія та роль референдумів у демократичній політиці

Розглянуто сутність понять «пряма демократія» та «референдум». Визначено, що демократичні інститути здатні сприяти конструктивному подоланню конфліктів та прийняттю справедливих рішень, а пряма демократія спрямована на заохочення вираження волі народу. Проаналізовано головні моделі й тенденції в цій сфері. Обґрунтовано, що розвиток прямої демократії є передумовою подальшої демократизації публічного врядування.

Ключові слова: пряма демократія, референдум, публічне врядування, правове регулювання.