



Responsive Public Management

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Iceland: a new people's constitution

Economic, political and moral crisis

The people of Iceland have high hopes that their new constitution¹, currently before Parliament, will help the country out of the economic and moral crisis that has hit it so hard. In 2008, Iceland took the full brunt of the subprime crisis. In just three years, from 2007 to 2010, public debt shot up from 23.2% to 81.3% of GDP and the unemployment rate rose from 2.3% to 7.7%.² The pressure piled on the Conservative government, leading the cabinet to resign on 26 January 2009.³ On 1 February 2009, the first ever female Prime Minister, Johanna Sigurdardottir, took office. Her government, an alliance of Social Democrats and Greens, won the April general election.

Driven by calls from the people to reshape the legislative, executive and judicial bodies and the foundations of the administrative infrastructure, Johanna Sigurdardottir proposed a revision of the constitution to Parliament (Althingi) on 4 November 2009. A group of MPs working as a Constitutional Committee were asked to submit a report on the main amendments to be made.

The Constitutional Committee proposes a national forum

Parliament examined the Constitutional Committee's report in the spring of 2010 and approved it on 16 June 2010. The revision of the constitution, in keeping with the lines put forward by the Committee, was to focus on certain points such as the constitution's basic concepts, the independence of the justice system, holding elections, and the role of the President of the Republic and the Government.

The Committee's report also proposed holding a national forum (National Assembly) to directly consult the Icelandic people,⁴ and elect 25 citizens by direct universal suffrage to form a Constitutional Assembly tasked with conducting the constitutional overhaul.

The National Forum was held on 6 November 2010: 950 citizens attended to discuss the fundamental values of Icelandic society.⁵ Their opinions went into a report submitted to the 25 members of the Constitutional Assembly elected on 30 November 2010.

Electoral controversy

Although these 25 citizens were democratically elected from 522 candidates selected on the basis of clear criteria (over 18 years old, not in national office and endorsed by at least 30 people), a controversy erupted because the campaign lasted less than one month and, despite strong support from the press and government, voter turnout was a meagre 36%. In addition, flaws were found in the voting procedure: the ballot counting process and the type of polling booth used in some constituencies. The storm raged until the Supreme Court finally voided the results of the Constitutional Assembly election on 25 January 2011. The Prime Minister, in agreement with the leaders of the main parties represented in Parliament, set up a consultative committee to decide

¹ The current constitution is based on the constitution of Denmark, from which Iceland gained its independence in 1944.

² OECD figures

³ <http://news.bbc.co.uk/2/hi/7851415.stm>

⁴ Iceland has 320,000 inhabitants.

⁵ See <http://www.agora.is> (Agora was in charge of organising the national forum. The procedure used and the outcomes are posted online).

how to move forward with the constitutional reform. The committee proposed that Parliament appoint a “Constitutional Council” made up of the 25 members of the dissolved Constitutional Assembly. This it did by means of a Parliamentary Resolution on 24 March 2011.⁶

Based on the reports from the Constitutional Committee (the group of MPs that started the process) and the National Forum (the citizens), the Constitutional Council unanimously adopted a bill for the new constitution submitted to Parliament on 27 July 2011. Parliament started work on its task of reviewing the draft in the autumn of 2011, but is still in debate at the time of writing. The final draft is subsequently expected to be put to a referendum before Parliament’s vote on it.

The main proposals in the new constitution

Some of the major themes of the total 114 articles and 9 chapters are:⁷

- **Article 15:** Right to information [“Information and documents held by public authorities shall be available without exception and the access of the public to all documents collected or paid for by public authorities shall be assured by law.”];
- **Article 63:** Creation of a Committee of Governance and Overseers [“The Committee of Governance and Overseers of Althingi shall investigate all measures and decisions of ministers and their governance as it deems appropriate. The Committee is obligated to initiate such an investigation at the demand of one-third of Althingi members.”];
- **Article 65:** Right of referral to the nation [“Ten per cent of voters may demand a national referendum on laws passed by Althingi.”];
- **Article 66:** Possibility of bringing issues directly before Althingi [“Two per cent of voters may present an issue to Althingi. Ten per cent of voters may present a bill to Althingi.”];
- **Article 90:** Formation of the Cabinet [“Althingi elects the Prime Minister.”];
- **Article 99:** Independence of the courts [“The independence of the courts shall be ensured by law.”];
- **Article 105:** Independence of local government [“The revenue sources of local governments shall be determined by law as well as their right to determine whether and how they will be utilised.”].

The Constitutional Council and online participation

The Constitutional Council was officially formed on 6 April 2011. It was made up mainly of intellectuals, lawyers, journalists and academics with a peer-elected Chairman. Ten of the Council’s members were women and one female member was disabled. Its meetings, where it discussed and voted on the amendments, were open to the public and streamed live on to the Council’s website.⁸ The draft Constitution was posted online and everyone was free to take part in the work on it with comments and suggestions. A total of 3,600 comments and 370 suggestions for amendments were posted by the public. This crowdsourcing method appealed to everyone’s creativity and intelligence to make the project a success.

The use of social media was key to communication with the public: the debates were posted on YouTube and Council members gave brief daily interviews on a Facebook page. All the Council’s work (debates, documents and communications) was also published and available from Parliament (Althingi), the National Archives, the National Library and the Akureyri Public Library in the form of the *Constitutional Council Journal*.

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⁶ 31 votes for, 21 against and 7 abstentions. <http://www.icenews.is/index.php/2011/03/24/icelandic-parliament-passes-constitutional-change-bill/>

⁷ See http://stjornlagarad.is/other_files/stjornlagarad/Frumvarp-enska.pdf for the bill for the Constitution

⁸ <http://www.stjornlagarad.is>.