



# Independent (UK) Constitutionalists

**Important Notice:** Written constitutions can be seen as but one tool - albeit indispensable - in the kit available to any community aspiring to genuine democracy. They reflect the structure of political organisation (SPO) whereby the members of any community consent to govern themselves. The purpose of this document is thus, *first* to list the essential components that might render said SPO open to citizen participation, thereby producing better governance, and *second* to combine them in a way that will be useful to constitution building.

## Template for Citizen-led Constitution Building

It is suggested that the purposes of a constitution are essentially:

1. to identify and articulate the shared values of a community and the aspirations it sets for itself, and
2. in light of these shared values, to identify and set in place the procedures, rules and institutions which will enable decisions about achieving its aspirations to be reached and consented to by the greatest possible number within the community.

Said decisions regarding how to achieve such aspirations, once reached in the manner described in (2), will then need to be enacted into law. A constitution can thus be seen as a “**metalaw**”, with **Supreme Authority** status, that governs the process of enactment of all other laws. Consistency with the constitution’s provisions in the making and substance of such other laws then becomes the bench-mark of their legitimacy. A Constitution is a **Rule Book** or **Instruction Manual** that explains what the system of governance is, and how it functions; a resource that its users (i.e., citizens) need at all times to be able to refer back to. It is suggested, therefore, that a constitution will need to be:

- a. expressed in plain language and structured in ways that make its meaning accessible to all members of the community;
- b. codified into a single document which is freely available at all times to all members of the community;
- c. an ongoing focus of attention in all government institutions, schools and places of learning.

It is further suggested that any constitution (or statute of establishment), at whatever level, should be no longer than a clear statement of its fundamental purposes as outlined above requires it to be. Its basic structure or framing, in 7 separate titles, might be as follows:



## A Preamble

1. the identity of the community or polity to which the constitution applies;
2. the shared values and aspirations of said community or polity;

## Substantive clauses

3. the rules by which the community has decided to govern itself;
4. the structures and institutions needed for such governance to be achieved;
5. provisions governing the declaration and management of emergencies;

## Final clauses

6. the procedures required for amendments to the rules under (3) and to fundamental changes (creation or dissolution, etc.) to the institutions and structures of governance under (4);
7. the procedure(s) which enable: (a) a given part of the community or polity governed by the constitution to withdraw from membership, and (b) any other community or part thereof to be incorporated.

## Note on Constitutional Entrenchment

Constitutions need to evolve over time to reflect major changes in a community's circumstances. Their 'entrenchment' ensures that amendment is possible but requires that all subsequent changes and amendments to a constitution have the same depth of popular consent originally required for its establishment by being subject to the same processes of citizen framing and acceptance. In this way, a good constitution embodies a shared ethos and restricts the space for its abuse.



Subject to citizen deliberation and agreement, under titles 1-4 and 6 above the following might be included:

## Title (2) Values & Aspirations

1. **Democracy**, once constitutionally defined and consented to, is recognised as an abiding universal human good.
2. Recognition of the **unique status and needs of the biosphere** and of all living creatures
3. Protection and regulation of the use of **natural resources, of all commons** and of **assets of community value**
4. Acceptance of the principle of **Reciprocity** (behaving to others as you would expect them to behave towards yourself)
5. Acceptance of the principle of the **Rule of Law**
6. Recognition of the **equal political and legal status** of all members of a community
7. Recognition of the need for **Fairness/Equity** in the way a community treats its members
8. Recognition of the **social, cultural and material needs** of all members of a community



## Title (2) Values & Aspirations (cont.)

9. Requiring **technology and economic activity** to meet human needs sustainably within the Planet's environmental limits
10. Recognition of the value and "commons" status of **civil-society and social-purpose** institutions
11. Acceptance of the principle of **Intergenerational Solidarity & Justice**: whenever possible to avoid future generations having to bear the costs of the present generation's actions and inaction

## Title (3) Rules for UK Governance

1. **People/Citizen Sovereignty** to replace Parliamentary Sovereignty
2. **Participatory-representative Democracy (PRD)** to replace Elective-representative Democracy (ERD)
3. Acceptance of the principles of **Constitutional Supremacy** and **Entrenchment**
4. Recognition of the right and responsibility of all members of a community to **participate** in the making of decisions that affect their lives
5. Recognition of the right of all members of a community to have their views spoken for through **accountable representation**
6. Establishment of criteria for community membership as a basis for entitlement to participate in decision-making and elections
7. Recognition of the need for **Proportional Representation** in any elections involving a choice among candidates standing for political groups, parties or as independents
8. Acceptance of the **principle of Subsidiarity** whereby decisions are taken by those most immediately affected
9. Recognition that the unfair use of **money**, particularly for purchasing influence, should play no part in politics or in any system of governance
10. Recognition of the prime importance of the Nolan Principles to democratic governance

## Title (4) Future Architecture of UK Democratic Governance - new components

**In addition to detailed scrutiny and vetting of the democratic credentials of existing institutions - for example, the Monarchy, our two-chamber system, Prime-Minister in cabinet and current local-government arrangements - consideration will need to be given to creating the following new components:**

- **Devolution** of governance and revenue-raising and spending powers in England to Elected Regional Assemblies as partners with the existing Nations of N. Ireland, Scotland & Wales in a federal UK
- Recognition of the importance of **Local Government** (i.e., government of any local area by the people living there) as the decentralising foundation and starting point for any truly democratic, sustainable settlement, as much for the existing Nations as for the English Regions to be created
- Creation of a reconfigured 2nd Chamber (**Assembly of the UK Nations and Regions?**) to replace the existing House of Lords



## Title (4) Future Architecture of UK Democratic Governance - new components (cont.)

- Creation, in addition to the existing three branches of governance (the Legislature, Executive and Judiciary) of **two new** branches:
  - A **Feedback Branch or Resulture** - independent bodies at all levels of governance for the monitoring through feedback of all policies and measures for effectiveness of outcome
  - A **Citizen Branch**, in accordance with PRD, comprising Standing and Ad Hoc Assemblies, Panels and Juries to participate in decision-making and monitoring at national, regional and local levels
- Establishment and recognition of the **constitutional status of the findings** of both new branches, and of their powers regarding policy correction and/or abandonment, establishment of rules for their creation (via, for example, election and/or sortition-selection and stratified sampling) and for the confirmatory use of informed referenda framed as a deliberative right
- Creation of an independent **UK Constitutional Council/Court** (composition to be determined) responsible for preliminary rulings on all matters under Title 6
- Establishment of an **Independent Regulator** or **New Media Commons** that renders both mainstream and social media more democracy-friendly, through ownership limitations on the former and regulation and democratic oversight of the latter.

### End Note:

**This Template should be read in conjunction with IC-UK's existing paper entitled: *A Democracy Fit for the 21st Century*. It will be noticed that, the House of Lords apart, it does not refer specifically to existing institutions. The extent to which the latter will need to be modified can only be decided once the participatory mechanisms of a democratic reset begin to be put in place. The Template is, thus, designed to be inclusive of the main principles underlying a democratic reset for the UK and of some of its essential components - something that, once suitably presented for public release, people can see and be inspired by. It is doubtless incomplete and suggestions for improvement are welcome.**

**Going forwards, consideration will need to be given to guidance to citizens on the formulation of principles governing the operation of Executive Government and Companies and to the inclusion of a Glossary of Constitutional Terms.**

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