



**Independent (UK)
Constitutionalists**

Declaration of Purpose of the Independent Constitutionalists UK

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Towards a

POLITICAL-ECONOMY FOR PEOPLE AND PLANET

ICUK is a movement and political process to create a Constitution for the UK that instils integrity into Parliamentary debates, offers citizens participative representative democracy, voters a proportional electoral system and the people the means to build a just economy that reduces inequality and conserves and replenishes planetary resources.

This Declaration is intended to be used as a meta-narrative and source of inspiration for the preparation of individual Constituency Manifestos by Constitutionalist and other [Independent \(1\)](#) parliamentary candidates, who, sharing these principles, values and goals and by reason of their competence, integrity and civil experience shall stand in future elections.



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PREAMBLE

*Democracy is the art of thinking independently together –
in the UK there is a way of making it achievable*

It is our belief that moral purpose, trust and belonging are the essence of social being, that the way we are governed is a matter of concern for every citizen and that entitlement to rights entails shared responsibility for the collective creation of the means for their enjoyment. We aim to use the system, to change the system, to recover trust.

Our elective representative democracy in Westminster has ceased to represent the interests of the people adequately. Successive Acts of Parliament that have created our uncodified constitution have failed to ensure that the centralised decision-making power accorded to Parliament justly expresses the [will of the people \(2\)](#).

This democratic deficit is revealed in three ways. Many voters find it difficult to question the truthfulness of political claims in the mainstream and social media. The first-past-the-post electoral system can result in the votes cast bearing little resemblance to the party-political complexion of Parliament and in MPs representing a minority of constituency residents. Winner-loser competition between political parties generates tribal loyalties which combine with lobbying pressures causing MPs to disregard the opinions and needs they hear from their constituents.

Voters thus feel powerless and angry. Governing the country in these confrontational and ritualized ways is not in keeping with the behaviour of the people around them. Most people are remarkably social and unselfish. They cooperate more often than create discord, and volunteer supporters of beneficial causes are not hard to find in streets and villages across the country.

Trust in politicians has thus been severely eroded by this stark contrast. But these negatives can be redeemed by groups of constituency citizens using the system, to change the system, to recover trust, and by invoking [People Sovereignty \(3\)](#) underpinned by the notion of [Constitutional Supremacy \(3\)](#) entrenched in a **Codified and Living Constitution**.



We therefore propose:

I. SYSTEMIC POLITICAL REFORM

1. That the prevailing **elective** representative democracy whereby citizen participation is confined to voting in local or general elections at distant intervals be replaced by **participative** representative democracy. This combines the ongoing involvement of citizens in the management of public affairs with genuine bottom-up representation, mandated and accountable.
2. That current adversarial, bipolar party-politics and the winner-loser point-scoring Westminster culture should now give way to agreement and consensus creation by independent MPs – **loyalty to constituents** must take precedence over party allegiance and compliance with party disciplines.
3. That in future elections constituents ask candidates if they accept an **ethical code (4)** for elected representatives.
4. That, in light of their comparative advantages, the processes whereby, at whatever level, representatives can be selected for or removed from office – election, sortition (selection by lots), combinations thereof, rotation, renewal and recall – be the subject of in-depth public debate and scrutiny. In this way, **functional structures**, mandated and accountable, based where possible on time-limited allocation of responsibilities, can be made to replace the **fixed hierarchies** that cause status-creation and corruption.
5. That the existing First-Past-the-Post electoral system be reformed as a matter of urgency and moved toward **proportionality**, thus to obtain greater correlation of votes cast with the resulting representation.
6. That henceforth in all elections and, where resorted to, in **referendums (5)** the people be **responsibly** prepared to make informed choices before voting.
7. That the franchise for all elections and referendums be a **settled residency (6)** period for citizens aged 16 years and over.
8. That, where decision by simple majority vote is stipulated, constitutional checks and bal-



ances combine with adequate citizen preparation to protect minority interests.

9. That a **fair political-funding (7)** system for the preparation of elections and referendums be established that upholds the **one person one vote principle** and prevents the unfair use of personal and/or institutional wealth to leverage political influence.

II. A CODIFIED CONSTITUTION FOR THE UK

10. That the principle of **Parliamentary Sovereignty (8)** (of undemocratic origin) by which we are currently governed be replaced by that of **People Sovereignty** underpinned by **Constitutional Supremacy** and entrenched in a **Codified and Living Constitution**.
11. That the initial purpose of Constitutionalist and other Independent MPs when elected to Parliament, either through occupancy of a majority of seats or of a significant proportion thereof, shall be to work for:
 - a. responsible preparation and holding of a referendum on whether the people of the United Kingdom wish to continue with parliamentary sovereignty or adopt people sovereignty underpinned by a new principle of constitutional supremacy; and
 - b. if the latter, establishment of an **Advisory Constitutional Convention**, whose task shall be, through widespread citizen participation combined with expert opinion, to advise the Westminster Parliament and government on the drafting of a new Constitution.
12. That said Draft Constitution make provision inter alia for:
 - a. the existing Supreme Court to act henceforth as a UK Constitutional Court or Council, empowered with major new constitutional responsibilities, including power to declare unconstitutional and therefore invalid any laws that violate the Constitution;
 - b. special procedures for amending the Constitution's provisions;
 - c. clear specification of the roles and functions of the branches of government and of civil society;
 - d. expression of the shared values of the people of the United Kingdom, and of the principles of true democratic self-governance, thus serving as a compass to guide the people in their moral aspiration and direction of political travel;



- e. following public deliberation, the adoption of the said Draft Constitution by the people of United Kingdom in a responsibly prepared referendum and subsequently its enactment into UK law by Act of Parliament;
- f. inclusion in the voting papers for said referendum of adoption of an option for continuation of the House of Windsor as titular head of the United Kingdom following its oath of allegiance to the Constitution.

III. SYSTEMIC RENEWAL OF THE POLITICAL ECONOMY

13. That Independent parliamentary candidates, supported by constitutional change and constitutionally established citizen participation, shall campaign for the creation of a [Political-Economy for People and Planet \(9\)](#) that provides for **curative** reform of the existing system through implementation of the values and principles set out in this Declaration. Further, said process of creation shall include democratic scrutiny and citizen deliberation of inter alia the policy options set out hereafter:
- a. **Economic Sanity** Whereby the Economy and Economics are no longer confined to the so-called “efficient” production and distribution of goods and services, but are seen as integral with the Political-Economy as a whole, the locus of rich patterns of trust-based social relations of intrinsic value, and the theatre of activities that are integrated, inclusive, regenerative and distributive **by design**. Within this Political-Economy, Markets combine with Households, the Commons and the State to produce human and planetary flourishing, organised and managed sustainably. [The Circular Economy \(10\)](#) is but one example of such organisation and management.
 - b. **Measuring Economic Efficiency** Replacement of GDP as a measure of the UK’s wealth by the UN’s Inequality-adjusted Human Development Index (IHDI), and other metrics such as the Inclusive Wealth Index (IWI);
 - c. **Economic Inclusion & Distributive Justice** Building social justice and fairness into the process of wealth and value creation through inclusion, enabling people to be part of the process and to benefit directly and not just passive observers and recipients of benefits downstream, compliant to the decisions of others.
 - d. **Reform of the existing Monetary System (11) and renewal of Public Oversight of Finance** Convinced that the current financial and monetary instability is the result of al-



most 40 years of dominant economic thinking that (1) money, finance, and markets are neutral, and know best; that (2) banking and finance should be unconstrained, and (3) that central banks and governments should simply step out of the way, Constitutionalists propose:

- **Promotion of public understanding** of money, banking and finance and their uses, which releases the latter from the control of a supposedly **neutral** technocracy and exposes the poor understanding and misconceptions of classical and neoliberal economics;
 - **Development of regulations** that make possible public control and oversight of finance so that finance serves people and the productive economy rather than the speculative interests of a minority;
 - **Democratic deliberation towards consensus on**, among other issues: Money Creation • Credit/Debt • Interest • Central-Bank and Real Interest Rates • Monetary Financing (People's Quantitative Easing) • a debt-free [Sovereign Money \(12\)](#) System • Community Currencies • Credit Guidance and the respective roles of Public Finance Institutions and Private Banks • Government-supplied Safe Assets • and International Capital Controls.
- e. **Ecological Transition** Progressive promotion of a healthy and sustainable environment and of public awareness through inclusion and participation, (e.g. [Democratisation of renewable energy production \(13\)](#));
- f. **Reform of the existing Fiscal System (14) and Funding of Public Investment:** Knowing that one of the principal functions of government is the funding of public services through, among other sources of income, taxation, and convinced that governments must take the lead in developing effective tax regulation rather than relying on self-regulation and negotiation, Constitutionalists propose:
- **Promotion of public understanding** of location value, of land use and ownership, and of the concepts of **good** and **bad** sources of public revenue;
 - **Democratic deliberation towards consensus on:**
 - i. **Location Value and Amenities User Fee** – a rental, that is, on all private land use (1) as a significant means of financing the public services to which that land gives access and (2) as a disincentive to property ownership for purely speculative pur-



poses, in particular land-banking (the holding of land out of use);

ii. Measures to ensure the fair levying of good revenue raisers, and effective regulations to prevent global tax avoidance by individuals and multi-national corporations.

- **Public Investment** in the localisation and balanced regionalisation of public services: education, social care (including family support and services for older people), health, and social housing;

g. Social Responsibility A requirement that companies, as co-creators of the country's wealth, declare their public benefit purpose and ownership obligations, and abide by them, thus diminishing their financial commitment to disconnected shareholding that limits their research, development and innovative capabilities;

h. Subsidiarity Decisions affecting the lives and management of communities shall, where and whenever possible, be taken by those more directly concerned by the consequences of such decisions;

i. Regionalisation In which over time capital cities, subregions and districts are granted statutory powers within boundaries that are formalised through participative referendums;

j. Accountability All public institutions to be endowed each with its own charter, including **Trust Status** for public utilities such as the NHS and the BBC, the latter being required to support citizen deliberation prior to elections and referendums;

k. Equality To the equal political and legal status of all citizens be added their right, through greater democratic participation and economic inclusion, to **equality of opportunity** irrespective of gender, sexual orientation, race, belief or other arbitrary form of discrimination. Such equality of opportunity must enable them to live long, healthy and creative lives and to achieve outcomes that they have reason to value.

l. Citizens' Rights Extension of the International Bill of Human Rights (accompanied by a Citizen Code of Responsibilities), to include a commitment to life-long learning and quality of work. Democratic scrutiny of the idea of a **Citizen's Dividend (15)**;

m. The Commons (16):

- Prevention of all further commodification and appropriation into private ownership of



all public space, amenities and institutions whereby to preserve them as Commons for the benefit of the communities which share in their stewardship and management.

- Constitutionally established: protection of all Commons; *identification* of their boundaries and of the **user responsibilities and rights** of the communities involved; and *promulgation* of Ground Rules for their future sustainable management.
- Restoration of Commons theory and practice as an essential component of economic thinking and a main pillar, together with Markets, Households and the State, of a new **Political-Economy for People and Planet**.

n. **Education** In constitutional literacy, democratic practice and civics in all schools and places of education.

o. **Big-Data, Technological Innovation and the Political Economy** The current rising-tide of digital and technological innovation is seen by some as a source of unbounded opportunity, generative of new forms of political organization, as something upon which the survival of our species will ultimately depend. Others see it as immersive, intrusive, disruptive, inscrutable, beyond democratic oversight and ultimately destructive of what is valued in human society and even of human kind itself. For Constitutionalists, however, three things are important:

- i. Technology is never deterministic, and can be used to create very different kinds of society. Deciding which of these to realise may well be the most important moral challenge humankind will have to face in the coming decades. Humanity has become a major agent in shaping the circumstances of its own existence, and for this reason if for no other, the decisions it makes in devising a future for itself within its planetary habitat will be matters of political choice and not of engineering or scientific inevitability.
- ii. The survival of our species will depend not on palliative technological fixes but on curative systemic and mindset change, on our being able to move away from our current unsustainable, growth-based system that generates inequality and has humans competing with each other for increasingly scarce resources. It will depend, ultimately, on our ability to subject accelerating technological change to democratic control and oversight. Just because something becomes possible does not mean that it is desirable. In other words, the grasp of our moral imagination must catch up with our technological reach.



- iii. It is unlikely that of and in themselves digital eco-systems with their virtual connectivity will offer a new global civic space – a viable real-world structure of political organisation – capable of driving co-creative activism. Algorithm-based digital and robotic technologies will doubtless prove valuable tools in creating a better world, but only real-world participative deliberation can define and confer legitimacy on the ends that will make that world better.

IV. ADDITIONAL NOTE

Guidelines for consideration in creating the new constitution

The range of national constitutions around the world shows each one is crafted to suit the country's geography, history, population distribution, cultural traditions and political aspirations, normally with provision for amending its clauses over time. And they vary in forms of government and political systems on a scale from confederation through federation to regional integration, and even more decentralised devolution.

The Union of Great Britain and Northern Ireland is exceptional because it does not have a single codified constitutional document. But its rich tradition of incremental amendment by successive Acts of Parliament provides a base on which to build a codified constitution that offers moral progress, trust, and a sense of belonging.

Confederation – the voluntary and functional coming together of sovereign equals – might well prove the desired future extension of this constitutional initiative, three of the four nations already having their own assemblies and cultural identities.

But account needs to be taken of emerging demands for more devolution – for instance from Greater London and Greater Manchester, Liverpool, Birmingham, etc., and from Cornwall (Mebyon Kernow), Yorkshire, the Northern region, the Channel Islands and the Isle of Man – whose constitutional integration may best be served through a federal, confederal or regional system of governance.

In short, the range of options is plentiful. But so also is the documentation available to inform future debates on constitutional change: not only from other countries but also from previous



parliamentary debates in Westminster, particularly those from the 1960s onwards.

Editors' note: without being overly stipulative, the purpose of this Declaration, together with its Explanatory Notes, is to provide a clear and comprehensive statement of ICUK values and proposals. It is designed essentially for use by collaborating activist individuals and agencies and by Constitutionalist and other Independent parliamentary candidates in preparing their manifestos in future elections. It remains work in progress.

Explanatory Notes to the Declaration of Purpose

(1) **Independent Non-adversarial Politics** While mindful of their ongoing duty and commitment to promoting the values and principles enshrined in their country's Constitution, the first loyalty of Constitutionalist and other Independent parliamentary candidates would be to their constituencies whose interests they defend. Their function is essentially a representative one: they are mandated by their constituencies, to whom they remain accountable and by whom they can be recalled. This in essence is what Constitutionlists mean by *participative representative democracy* (ideas that are born of citizen participation and carried forward by representation to regional and national assemblies). It is the anchor of the independent non-party politics that ICUK is attempting to promote.

The advent of independent candidates in significant numbers, Constitutionlists are aware, would constitute a major departure from what exists. It would be a new way of doing politics that replaces party politics with what might be termed **issue-based** politics moved by real-world ideas and issues rather than by ideology. Independent representatives come to the parliamentary table (necessarily hemispherical in shape) with agendas and concerns as defined by their constituency committees and the like. Essentially thereafter, parliamentary business becomes, *first* the discovery or identification of common ground and shared purpose, and *second* the negotiation of consensus and compromise (a process that would include voting as a last resort) regarding what exactly is to be done and how. Groups and alliances of representatives with their spokespersons (necessary for practical purposes) would inevitably emerge from this process, but, in stark contrast to political parties thus far, such groups and alliances would be functional, flexible and time-limited.

What must unite Independent Candidates of whatever origin is a commitment to genuine democratic practice. Martin Bell's *10 Principles*, ICUK's *Guidelines for Collaboration* and Flatpack Democracy's *Ways of Working* all provide suggestions as to how this genuine practice can be achieved. All these methods basically involve reaching inclusive and consensual decisions by encouraging members of a group to keep objecting to a proposal until, between them, they produce an answer all of them can live with. Locally it's not hard to see it producing better decisions than the average local authority meeting. Scaling it up to regional and national assembly levels presents a formidable challenge, but one that Constitutionlists believe is well worth taking up.



(2) The **Will of the People** is the term frequently employed to describe the shared values and collective purposes of a community. The all-important question is however: how is the will of the people to be determined?

The **Will of the people** is clearly not what, for example in Germany, the Soviet Union and Communist China, a series of dictatorial and totalitarian ideologues imposed upon their respective populaces during World War Two and subsequently. Nor was it what Mrs Thatcher, over the heads of many of her ministers and Parliament, said she was convinced she heard through her special ear, and even less what Tony Blair was reflecting when he took his country to war in Iraq. Indeed, the will of the people, that collective aggregate of individual reason, is not even what audimats, box-ticking opinion polls and market surveys - those trackers of individual preference - claim to inform us about.

For Constitutionlists, the **Will of the people**, not being a discoverable given, cannot by definition exist prior to the painstaking democratic process of collective enquiry, debate, discourse, deliberation and consensus-building that brings that **Will** into existence. In other words, the Will of the people is an act of purposive collective co-creation. Unless and until that ongoing articulative act begins to be accomplished, and the processes by which it is achieved enshrined in a codified and living constitution and perpetuated by constant democratic practice, we risk being left with a political void. History has repeatedly shown how this void can all too easily be filled by the lies and manipulation of unscrupulous individuals and groups who, driven by self-interest, seek to divide, control and exploit, especially when the communities concerned are cowed by scarcity, deprivation and fear.

(3) **People Sovereignty and Constitutional Supremacy** People (or Popular) Sovereignty is the theory embracing the notion that all political power resides in the people but that the people *delegate* a defined measure of that power to a government to avoid the practical impossibility of making and enforcing laws themselves. This theory goes hand in hand with that of **Constitutional Supremacy** whereby the Constitution becomes the supreme law of the land and cannot, at least in its fundamental features, be altered save by wide popular consent. Constitutional Supremacy embodies the notions of (1) a constitution, codified and accessible, that in principle *invalidates* any laws that are inconsistent with it, and (2) of *entrenchment* whereby the latter's provisions cannot, for example, be repealed by Parliament as at present under the principle of Parliamentary Sovereignty. Neither should the provisions of a constitution be altered by plebiscitary consent through majority vote without controls in the form of constitutional checks and balances. Such checks and balances, in turn, should be so designed that minority interests are protected and the enduring moral and ethical dimension of the settlement that the constitution sets forth be secure. For Constitutionlists, this includes "the shared values of the people of the United Kingdom and the principles of democratic self-government, so that the Constitution should serve as a compass to guide people in their moral aspiration and direction of political travel" (see Provision 12 (d) of our Declaration of Purpose). Finally, any such Constitution would need to recognize an enhanced role for public participation, for, as we have already suggested, under a reformed system, rather than government simply imposing its authority on the people, power will be delegated by the people to government with a remit, however broad or narrow, which reflects their will.

These, then, are the principles (which, incidentally, have been adopted by almost all other *democratic* states) underlying the constitutional settlement that our movement believes should now be established in the United Kingdom.

(4) **An Ethical Code**

Martin Bell's 10 Principles We will:

- abide wholeheartedly by the spirit and letter of the Seven Principles of Public Life set out by Lord Nolan in 1995: *selflessness, integrity, objectivity, accountability, openness, honesty and leadership*;
- be guided by considered evidence, our real world experience and expertise, our constituencies and our consciences;
- be non-discriminatory, ethical and committed to pluralism;



- be free from the control of any political party, pressure group or whip;
- make decisions transparently and openly at every stage and level of the political process, enabling people to see how decisions are made and the evidence on which they are based;
- listen, consulting our communities constantly and innovatively;
- treat political opponents with courtesy and respect, challenging them when we believe they are wrong, and agreeing with them when we believe they are right;
- resist abuses of power and patronage and promote democracy at every level;
- work with other elected independents as a Group with a chosen spokesperson;
- claim expenses, salaries and compensation openly so the public can judge the value for money of our activities.

These principles apply to personal integrity. Our strap-line reads: *We aim to use the system, to change the system, to recover Trust.* Its reference to Trust extends these principles into the broader and more complex contexts of societal and global relations. Hence our insistence on articulation by companies of a Declaration of Public Benefit Purpose and on Charters for all public institutions (Provisions III. 13 (g) and (j) respectively of this Declaration).

(5) Referendums Constitutionalists believe that referendums have a place in participative representative democracy but their role is to complement it, not replace it. Their link to democratic legitimacy is tenuous and heavily conditioned. Far more than primary legislation (law created through delegation by the legislative branch of government), the outcome of a yes/no referendum leaves the content of the decision underdetermined, particularly when the question put to the people, as in the case of the EU referendum, affects an array of interconnected issues of law and policy. In most liberal democracies the use of referendums is strictly regulated by a codified constitution that restricts the types of question that can be asked and the conditions under which they have a binding legal effect. The UK's uncodified constitution lacks this robust constitutional architecture. The experience of the EU referendum is another blow to the argument that the UK has no need for a codified constitution.

(6) Settled Residency The criteria for entitlement to voting in general elections and referendums - minimum age, minimum length of residence and so forth - need to be, and normally are, constitutionally established. However, the transition from *elective* to *participative* representative democracy that Constitutionalists are advocating raises a series of rather different and in many respects new challenges and questions:

- the achievement of local devolved self-governance in our globalised, increasingly nonlocal world, where a principle of freedom of movement reigns supreme
- the necessary incorporation into our current exclusively *elective leader-based* democratic mindset (whereby we elect at distant intervals others to "do" politics for us) of new participative tools and practices - open and fair deliberation where reason-giving and genuine communication (discovering why others hold the opinions they do hold) give rise over time to consensus-building and compromise, in other words, a **new democratic norm** to replace the tired winner-loser adversarial negotiating and trade-offs from fixed positions to which we have become accustomed
- voting as a last resort rather than the acme and be-all of democratic achievement
- the widespread use of properly trained **facilitators** to mediate deliberation
- recourse to strictly advisory expertise whenever necessary
- constitutionally entrenched protection of these democratic practices and of the institutions and facilities that sustain them at all levels.

The list of such participative tools and practices is long and examples of their successful use in Commons Communities and Citizens Assemblies the world over are there for the taking. See in this connection Flatpack Democracy's *Ways of Working* and ICUK's *Guidelines for Collaboration*.

(7) Fair Political-funding Constitutionalists believe that if one person's vote is not to count more than any other, then no one's money should either, and dethroning the billionaires and corporate and union funders would help to restore political power to



where it properly belongs: with the people. This is the principle underlying a fair political-funding system. One example of such a system might be: every party would be allowed to charge the same membership fee (say £20). The state would then match it with a fixed multiple. All other funding would be illegal. If a party or movement wanted more money, it would need to attract more members. With Referendums, the state would provide an equal amount for campaigns on either side.

(8) Parliamentary Sovereignty Our current system of government is one where Parliament enjoys an absolute and unfettered right to make and unmake laws. It is based on an uncodified and largely informal constitutional settlement in which, following power struggles between a monarchy claiming absolute power and Parliament, all the spoils of victory went to Parliament. The people were left with little or no part to play. That situation has prevailed to this day, in spite of the advent of universal suffrage and the post-war establishment of the welfare state when the interests of the people began to be represented and taken seriously into account. In recent decades, however, citizen participation in governance has become increasingly confined to voting in local and general elections at distant intervals. The simple truth is that Parliamentary Sovereignty is of undemocratic origin in that the people of Britain have never been invited to vote on whether we should be ruled by a parliament which claims absolute sovereignty, let alone by a parliament which has become an arena where two major parties are engaged not in *representative* politics but in an adversarial *power* struggle, leaving the minority parties squeezed out and deprived of any representative influence. Electoral reform, which enjoys the overwhelming support of the people of the UK and which might be a step towards addressing this state of affairs, is one of its more obvious casualties. The choice at general elections has long ceased to be between the **pluralism** of two or more different sets of policy options. It has now become a choice between electing a party that wants to *retain* power and a party that wants to *gain* it. But power, since all other considerations appear to be irrelevant, to what end? The people, the only estate with a legitimate and democratic right to answer that question, has seen its voice and vote progressively confined to participating in what, not without reason, has been dubbed an **elective dictatorship**. The Brexit referendum and its muddled aftermath illustrate the depth of our current constitutional crisis and just how confused people are about the *sovereignty* issue. Constitutionalists believe that a paradigm shift is now necessary and clarification long overdue: the unfinished business of wresting sovereignty from an absolute Monarch and transferring it to what has become an increasingly unrepresentative and backward-looking Parliament of undemocratic origin must now be completed. A forward-looking principle of People Sovereignty must now be constitutionally established and Parliament restored to its proper representative function.

(9) A Political-Economy for People and Planet

Political-economy because moral and social purpose must precede the economic means of their achievement. People are ends in themselves, not means to an end. They and the Planet they share with all other living species must be put before profit and mindless growth. Principled pragmatism must become the watchword of economic management.

People because people will begin to hope and recover trust in society and in the political system only when they feel included in the latter, when it belongs to them, and when they have a meaningful part to play. For example, widespread participation in the framing and writing of a comprehensive Constitution will help people to recover commitment and understand how important are the themes of Trust, Solidarity, Devolution and possibly even Confederation. The antagonisms, mounting personal insecurities and abrogation of personal responsibility generated by the current system, must give way to mutual trust and cooperation. This change of attitude across society will be possible only if meaningful livelihoods are available to all, and if all are enabled to **participate in changing the system**.

Planet because, even though *Homo sapiens* has become a major agent in shaping the circumstances of its own existence, the future of our species depends on the survival of other living species and on our sustainable use and replenishment of finite planetary resources. Recognising this truth, Constitutionalists believe that a viable political-economy for the future must be



symbiotic with Planet Earth enabling us as its custodians and stewards to hold it in trust for future generations.

(10) The Circular Economy Decoupling human well-being from resource consumption (i.e. more resource consumption does NOT mean more human welfare) is at the heart of the Circular Economy. It takes essentially two forms: the **fostering of reuse and extending service life** through repair, remanufacture, upgrades and retrofits; and **turning old goods into as-new resources by recycling atoms and molecules**. People - of all ages and skills - are central to the model. Ownership gives way to stewardship and caring; consumers become users and creators. The remanufacturing and repair of old goods, buildings and infrastructure create skilled jobs in local workshops, and, with outmoded technologies (for example, electro-mechanical) disappearing from vocational training courses, value is restored to the skills and experience of workers from the past.

Yet lack of familiarity and fear of the unknown mean that the circular-economy idea has been slow to gain traction. As a **holistic concept**, it collides with the **silos** of academia, companies and administrations. For economists used to working with GDP, wealth creation by making things last is the opposite of what they learned in school. GDP measures a financial flow over a period of time; while the circular economy, by measuring quality as well as quantity, preserves physical stocks. Increasingly, however, concern over resource security, ethics and safety as well as green-house gas reductions are shifting our approach to seeing materials as assets to be **preserved**, rather than continually consumed and disposed of.

(11) Monetary Reform For Constitutionalists what is at stake here is the nature of money itself as a vital social good. Money facilitates commercial exchange, it provides the basis for social investment, and it has the power to stabilise or destabilise society. They firmly believe that handing the power of money creation over to commercial interests is a recipe for financial instability, social inequality and political impotence. Constitutionalists are convinced that reclaiming that right in the national interest from the wealth elite of the City of London would prove a powerful tool in the struggle for lasting and inclusive prosperity,

(12) Sovereign Money Some 24 national campaigns argue that taking the power to create money out of the hands of banks would end the instability and boom-and-bust cycles that are caused when banks create too much money in a short period of time. In this way, banks could be allowed to fail without bailouts from taxpayers. It would also ensure that, rather than being lent into existence as currently happens and frequently for speculative rather than productive purposes, newly created money is spent into the real economy, thus reducing the overall public debt burden.

Only one campaign has official endorsement -- Iceland -- on which one review has commented: "Under the proposed sovereign money system, the Central Bank of Iceland would increase the money supply in proportion to growth and consistent with the mandated inflation target. Direct control of the money supply would remove the need for traditional policy instruments designed to manipulate commercial banks' incentive to create money, such as policy interest rates and regulatory lending limits. The government would then put the money into circulation via sovereign bond purchases, and/or fiscal measures. To avoid conflicts of interest leading to the oversupply of money, decisions over allocation would be made by a committee independent of the government." For Constitutionalists, however, whatever system of money management is opted for, by government or independent thereof, it is crucial that the overall process remain at all times subject to public oversight thereby ensuring that money is deployed as a social good in the interest of the many rather than, as at present, of the few.

(13) Democratization of the Renewable Economy The provision of the country's energy supply is currently controlled by corporations and consortia. Under democratization, individual citizens and small and medium enterprises could be enabled through subsidies, tax reductions or other incentives to feed electricity from solar energy or other renewable resources into the national grid and, as voters in local council elections or as local councillors, to participate in establishing priority zones when national incentives were allocated geographically.



(14) Fiscal Reform Constitutionalists remember that land is not a manufactured good but a birthright and our shared natural inheritance. They are fully aware of the paramount impact of land and property ownership regimes on the entire economy and are mindful that housing policy needs to acknowledge that land-banking (the hoarding of land out of use) and the ownership of property for speculative rather than residential or home-making purposes are the underlying cause of inequality and the direct cause of the high cost of homes. They are confident that an annual location value or amenities user fee would help to end land and property speculation and provide government with the **funds to build more homes**.

(15) A Citizens' Dividend The concept of a Universal Basic Income (UBI) – a regular and unconditional cash transfer from the state received by all individual citizens in acknowledgement of the part they play in generating the wealth currently enjoyed by only a few – needs no introduction. It is an idea that, in varying shapes, political parties across the world are now adopting as official policy.

Constitutionalists are well aware of the many issues, positive and negative, raised by this idea: its alleged effect on work incentives, its affordability and funding, its transparency, its administrative efficiency, its potential for contributing to sustainable consumption, its relevance to mounting automation and to freeing people from a life reduced to shopping between shifts at work; its role, finally, as a first and tentative step in creating a new economic and social order.

Constitutionalists believe that the list of issues raised by the idea of a UBI should now be the focus of democratic deliberation. However, unlike redistributive benefits that are funded from taxes that penalize productive effort, the UBI is neither benefit nor redistributive tax, and could be seen rather as a **dividend** paid to all citizens out of the rents (i.e. the income) from the land-value they all help to create. Its payment becomes possible once the fiscal system has been restructured to include an Amenities User Fee that honours the principles of both fairness and economic efficiency.

(16) The Commons That it is necessary to explain the Commons, perhaps the oldest-known model of social organisation, testifies to their neglect. In these times, when conceptions of the world tend to be prescribed by notions of individualism and private property, it's no surprise that the Commons are often misunderstood. A Commons is neither state nor market nor any thing. It is a material, institutional or cultural resource – such as land, water, minerals, scientific research, hardware and software or a facility for democratic deliberation – plus the community of people who have shared and equal rights to this resource and who organize themselves to manage it, plus the rules, protocols, systems and negotiations they develop to sustain it and allocate its benefits. The activity of such communities to achieve such ends is known as **commoning**.

A true Commons is managed not for the accumulation of capital or profit, but for the steady creation of prosperity and wellbeing. It belongs to a particular group, who might live in or beside it, or who created and sustain it. It is **inalienable**, which means that it cannot be sold or given away. Where it is based on a living resource, such as a forest or a coral reef, the commoners have an interest in its long-term protection, rather than the short-term gain that could be made from its exploitation.

Over the centuries, the Commons have been attacked by the forces of rent-seeking capitalism, frequently abetted by the state – a process that has accelerated since the early 1980s. Thus, resources that no one invented or created, or the value that a large number of people through commoning have co-created, are stolen by those who sniff another opportunity for generating unearned income. This theft of value by people or companies who did not create it is called **enclosure**. Originally, it meant the seizure – supported by violence – of common land. This practice of land-grab started in England, spread to Scotland, then to Ireland and the other colonies, and from there to the rest of the world. It continues to this day as a global phenomenon. Behind all forms of enclosure lies the continuing and enabling **unequal prior distribution of wealth** that characterises capital-controlled economies the world over.



Now enclosure, which can be seen as the polar opposite of resource use and maintenance through commoning, is in fact the **commodification** or privatization of shared wealth. It means that things that were previously freely available, or collectively managed, pass into the hands of individuals or, in collusion with governments, are privatized and made available for market exchange. This process is cast as 'progress' by Neo-liberal market economics and put forward as the way that human development happens - i.e. the way that wealth is generated. But in fact, it is often just a radical way of dispossessing people of resources that are rightfully theirs and whose value they help to co-create and maintain. Moreover, and perhaps most important of all, it creates a damaging and dangerous disconnect (*): it removes things from their **organic context**, be that a community or an ecosystem, so that they can be sold. In so doing, it disrupts the relationship between a community and its resources, destroys the shared rules and protocols that govern their use, and reduces said "resource community" to a collection of isolated individuals vying unequally to maximize an individual share of what was commonly theirs in the first place. Indeed, the Commons Enclosure story helps us talk about and understand what continues to be the great unacknowledged scandal of our times: the removal into minority ownership and rent-seeking exploitation of the wealth that belongs to all of us.

(*) A disconnect that in our day has achieved astonishing proportions: where all previous social organising principles saw markets, land and money as embedded within social relationships, today's rent-seeking mismanagement of the economy has destroyed such relationships. It has removed from the operation of market any social, religious or moral constraints, and disconnected finance from the productive economy altogether, whittling shareholder commitment and concern down to a single narrow goal: the short-term maximization of return on investment.

For Constitutionalists, more than a system for managing individual resources, the commons presents a model for a new (old) way of organising society, a new politics, neither capitalist nor socialist, and a radical path towards the co-creation of a truly ecological political-economy. Constitutionalists are fully aware that restoring Commons thinking to the public mindset and its widespread practice constitutes a colossal challenge. They are calling for a **national debate about an alternative** to the current system that permits a rent-seeking minority to capture increasing quantities of public wealth and in so doing to destroy, with virtual impunity, widening areas of public value. The Commons, Constitutionalists are convinced, will be a crucial part of that alternative. Some of the issues that debate will need to address might be:

(1) **Commons relations:** Recognition of the trust-based **existential** nature of relations within a co-created Commons economy. This contrasts with the competitive, strictly **contractual** nature of relations within a commodifying market-economy. The members of a Commons develop deeper connections with each other and their assets (see the stewardship and caring mentioned in connection with the Circular Economy in Note 10) than we do as passive consumers of corporate products. This must mean reshaping governance to meet the needs of communities and not just corporations, and reviving the Commons to act as a counterweight to the fragmenting, alienating forces now generating a thousand forms of toxic **populist** reaction;

(2) **Amenities User Fees & Location Value:** This is the idea that land and its resources belong to us all (but only by reason of our shared stewardship and management of them), together with the notion that the value of land is a function of its location, i.e. its proximity to community-created amenities. Since land and its resources are inalienable, it is suggested that they can only be temporarily removed from the public domain for private use in return for a user fee or **Amenities User Fee**. The value of any existing property on land, or of its subsequent development at the user's expense, would accrue to the user and be subject to market exchange when its use is passed on or the land returned to the public domain. The proceeds from land-use rents could constitute a community reserve, part of which could be used to fund a **social rent dividend** (or Universal Basic Income) to citizens as a return on the location value they help to create. The payment of such dividend or income would constitute the single most effective protection of the Commons against free-riding land-bankers and rent-seekers. It could be part of a root-and-branch reform of the current fiscal system whose taxing of earned income places a punitive and unfair burden on



productive effort;

(3) The notion of **local user expertise** as an essential pillar of sound Commons design and management. Outside expertise should be **on tap but not on top**. This will require a massive ramping-up of local participative democracy whereby Commons Communities belong to their members by reason of the membership's involvement in their design and ongoing management;

(4) Restoration and promotion over time of a **Commons mindset** leading to the co-creation of a systemically reformed and curative **Political-Economy for People and Planet** which integrates Commons, Markets, Households and the State (genuinely reformed and representative Regional and Central Governance), thus providing a **viable alternative** to the prevailing mismanagement which continues to produce so much inequality, social injustice and ecological degradation.

(5) **Constitutionally entrenched acknowledgement** of Commons Regimes and their accompanying Rules and Protocols, and protection against external commodifying encroachment. Should not a major new chapter of any future constitutional settlement, alongside the existing separation of the three functions of government, be entrenchment of protection of the Commons and of the participative/deliberative processes (fair, facilitated, respectful and informed) that make both the Commons and Democracy possible? One of the basic principles of Commons governance is **subsidiarity** - the idea that decisions should be made at the lowest level practical. While there will always be some benefits to centralisation to reduce duplication and to deal with large-scale or global issues such as climate change (hence the reference above to Regional and Central Governance), many decisions can and should be made by local communities for themselves within democratically determined limits. The Constitution will need to identify such limits and to show how Commons Communities can be fitted into an overall, readable structure of political organisation and governance that citizens can understand and value (see Section IV of the Declaration of Purpose).

(6) **Minimum individual entitlements:** Finally and more generally, in parallel with the widespread promotion of Commons regimes, everyone, as well as a minimum livelihood, should be guaranteed a safe, private space in which to found a **home**.

ANNEX

Examples (largely unacknowledged) of functioning Commons: subsistence economies the world over • community-owned forests in Nepal and Romania • lobster fisheries in Maine • pastures in East Africa and Switzerland • FOSS: free open-source software that has underpinned the creation of Wikipedia, Internet, Linux, digital libraries and a whole range of other Commons : intellectual, literature, music, arts, design, film, video, radio and heritage preservation (**) • journals published by the Public library of Science • time-banks • local currencies and open-source microscopy • lollipop ladies • households • the British NHS (at least until recently) • pubs, meeting places and other ACVs (assets of community value) • and probably the greatest of them all: democratic deliberation! Or as the song might put it: "those best things in life that are free!" Free, of course, at the point of delivery, but created by painstaking commoning.

(**) The main principle in Knowledge Commons is the issue of copyright-free licenses which grant licensees all necessary rights such as the right to study, use, change and redistribute on condition that all future works building on the license are kept in the Commons.

Examples (again largely unacknowledged) of fragmenting Enclosure: the recent PPI fire-sale of franchises over sections of



the health, social welfare, security and transport services and other public utilities to rent-seeking private firms and companies

- the conversion of fines for anti-social behaviour into fees for dispensations
- the use of the social good or Commons that is Money as a speculative asset
- the temporary renting-out of public park-space as Event Venues to offset shortfalls in funding from public revenue
- attempts by the recent US administration to destroy internet neutrality and to prohibit community broadband
- the extension of commodification of intellectual property through trade agreements
- academic publishers' capture and commodification of the research freely provided by scientific communities
- the increasing use of business bottom-line models for the management of social services
- and a double-whammy this one: the weakening through commodification of our already ailing system of elective democracy by those who use our wealth to purchase and leverage their political influence. Alas, the list is virtually endless!

Explanatory Note Acknowledgements [ICUK gratefully records its indebtedness to the ideas and in some instances the language used in articles and books by the following authors: David Bollier, Fred Harrison, Tim Hollo \(and The Griffith Review 59: Commonwealth Now\), George Monbiot, Richard Murphy, Kate Raworth and Guy Standing.](#)