

## 7 The constitution as a political tool in Iceland

### From the periphery to the center of the political debate

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With the election of Donald Trump as the president of the United States, Brexit in the UK, and the growing support for populist parties throughout Europe, the debate about the disgruntled and alienated has intensified. The demand for structural changes to societies takes different forms but they seem to have a common theme – namely that power and wealth have to be distributed in a fairer way. The economic crisis in 2008 gave birth to groups such as the Occupy movement, and several others, focusing on democratic reform all over the world.

When the Icelandic financial system collapsed in 2008 the economic crisis was followed by an even deeper political crisis. Protests in front of Althingi (the Icelandic parliament) escalated and in January 2009 Prime Minister Geir H. Haarde resigned and called for elections. With growing skepticism towards politicians and political institutions, the need to reconnect with the public was obvious. The most drastic decision was to set up a Constitutional Council, made up of ‘ordinary citizens’, tasked with the revision of the Icelandic Constitution. While the process was hailed as unprecedented and inclusive, it was contested on all stages by both opponents of the government formed after the general elections in 2009 and those skeptical of constitutional changes. Despite a referendum on the constitutional draft that showed support amongst the public, and an anticipated majority in Althingi, the process came to a dramatic halt in 2013. It is unlikely that the 1944 Constitution will undergo a major revision in the coming years, although some changes are probable.

The year 2016 was turbulent in Icelandic politics. The Panama Papers revealed ties between three ministers and off-shore companies, and following one of the largest protests in Iceland’s history, the Prime Minister resigned in April. General elections, scheduled for May 2017, were moved forward to September 2016 and received unprecedented attention in the international media due to the expected success of the Pirate Party. The Icelandic Constitution was continuously discussed before the elections with the Pirate Party, making it the central theme of its campaign. Furthermore, a new president was elected in June after a twenty-year reign by the former president Ólafur Ragnar Grímsson. During the presidential elections, all candidates had to answer questions on the constitutional role of the president and give their view on the draft constitution from the Constitutional Council.

How did the constitution become a central theme in Icelandic political debate? This chapter will focus on the struggle between the social movement arguing for a revision of the constitution and the more traditional elites who, for different reasons, opposed it. While constitution-making has often followed major political upheaval or revolutions,<sup>1</sup> it is rarer that such a process follows an economic crisis. Elster mentions the French Constitution from 1789 as an example of constitution-making following an economic crisis,<sup>2</sup> but most would agree that a mixture of political, societal, and economic issues are usually involved. The failure of the political institutions in Iceland to deal with the aftermath of the crisis was surely a major factor. The process has been described as ‘an attempt to write a participatory social contract’,<sup>3</sup> and phrases such as ‘a crowd-sourced constitution’ have floated in both academic circles (*ibid.*) and the media.<sup>4</sup> It is fair to describe the procedure as an innovative democratic experience, but the question remains whether it suited the political reality and enjoyed the active support of the public?

By looking at the process leading up to the draft of a new constitution we can see how every-day politics and a volatile and sometimes nonrational debate can muddle good intentions. The Icelandic lesson also reminds us how a group that for some reasons is thought to be responsible for an economic crisis is likely to fight back at every given opportunity.

The chapter first discusses the constitutional revision process that started in 2010, analysing, among others, the early protests and formation of social movements around constitutional change, the revision process itself and the set-up of the Constitutional Council, and the subsequent developments in the revision process that led to its stalling. In the second part, recent developments of the ongoing ‘constitutional saga’ are discussed, including the role of the Panama Papers and the October 2016 elections. In conclusion, it is argued that important elements that explain the deadlock of the constitutional revision process are the alienation between the Constitutional Council and politicians as well as the diminishing enthusiasm amongst citizens. The empirical data used in this chapter primarily come from two sources. The first is a set of semi-structured qualitative interviews with several people involved in the process in Iceland. The second is the Icelandic National Election Study (ICENES), which gives an indication of the public’s view on constitutional change.

### **The Icelandic constitutional revision**

Social movements are often advocates of democratic or indeed constitutional changes, although their success may be limited.<sup>5</sup> Therefore, it is hardly surprising that a demand for a new political system in Iceland after the crisis in 2008 grew into a full-fledged movement. Its origin can be traced to several individuals and groups, which helps explain the fragmentation that later occurred.

Snow and Soule use five key elements to conceptualise a social movement. ‘[T]hey are challengers to or defenders of existing structures or systems of authority; second, they are collective rather than individual enterprises; third, they act, in varying degrees, outside existing institutional or organisational arrangements;

fourth, they operate with some degree of organisation; and fifth, they typically do so with some degree of continuity'.<sup>6</sup> Using this definition, it is clear that a social movement was born in Iceland. It erupted in the protests outside Althingi when the movement first called for new elections and argued that the political system was corrupt. While individual effort certainly played its part during the initial stages, it is evident that the government did not respond until the masses in front of Althingi had grown considerably, and in fact only after the protests had become more violent. Citizens' meetings provided a forum for the 'ordinary citizen' to voice their concerns, and several organisations, such as the *Constitutional Society* and *Alda: Association for Sustainability and Democracy*, campaigned for a new constitution. Both organisations have continued their work, hosting a debate on the different role of constitutions in October 2016 just before the general elections. In 2014, the *Organisation for a New Constitution* joined forces with the *Constitutional Society* to create a single front campaigning for a new constitution. Katrin Oddsdóttir, a former member of the Constitutional Council, is the current (February 2017) chairperson. Thus, a durable movement has been created with participants that have been directly involved in the constitutional process.

The first official mention of the need to write a new constitution after the crisis in 2008 came from Prof. Njörður P. Njarðvík, an author and a well-known social critic, first in a television interview on January 11, 2009, and three days later in a newspaper article.<sup>7</sup> The article was later discussed during the protests that same month and after the government had resigned and called for elections, smaller groups began meeting and discussing the possibility of a new constitution (Geir Guðmundsson, interview with the author).

Geir Guðmundsson, chairman of the *Constitutional Society*, mentions that ideas about radical changes to the constitution have been in circulation for decades. He dates his own interest back to the Alliance of Social Democrats that won four seats in Althingi in 1983, and its chairman Vilmundur Gylfason who spoke extensively about a corrupt political system, nepotism, and the failure of the media to report on those issues. It was during that time that Geir became interested in the constitution and confident that it maintained a political system that served its own interests instead of the public's (Geir Guðmundsson, interview with the author).

Jóhanna Sigurðardóttir (Prime Minister 2009–2013, parliamentarian 1978–2013) has repeatedly submitted proposals to Althingi regarding the constitution. In 1994, she submitted a proposal regarding a constitutional assembly that should revise the constitution. A similar proposal was submitted three years later but neither made it to a final vote. Furthermore, she has on at least seven occasions proposed an amendment which would enable the public to call for a referendum on issues by collecting signatures.<sup>8</sup> Before the elections to Althingi in 2009, all parties declared that a constitutional revision was needed and most of them stated that the public should be involved. The Progressive Party posted a campaign video on Youtube<sup>9</sup> where it was clearly stated that a new constitution should be written by a constitutional assembly made up from elected representatives of the public. The Independence Party remained skeptical about

a constitutional council, and before the elections in 2009 its parliamentarians stated their opposition regarding the idea of a council that could refer its proposals directly to a referendum.<sup>10</sup> After the elections in April 2009, the center-left government of the Social-Democrats and the Left-Green Movement promised a revision of the constitution and elections to a constitutional council.<sup>11</sup>

With this in mind, it is clear that the idea of a constitutional council enjoyed widespread support in Althingi and amongst the public in the spring of 2009. However, the conceptualisation of the movement fighting for a new constitution has to take into account its relationship with the government of the time. After all, the establishment of the Constitutional Council was a political decision and the process enjoyed majority support in Althingi, at least during the initial stages. Some members of the Constitutional Council expressed skepticism towards the political establishment and insisted that Althingi should not make any material changes to the draft.<sup>12</sup> Ólafsson has claimed that the somewhat confrontational rhetoric alienated the political class and caused them to question the intent of the Constitutional Council.<sup>13</sup> The view was that the political class had failed and that members of the Constitutional Council were direct representatives of the public expressing only its will. This cleft between perceived comrades proved difficult to bridge and certainly did not help the process. Let us now turn to the events leading up to the draft from the Constitutional Council.

#### *Public participation as a response to the crisis*

When the three largest Icelandic banks fell in September and October 2008, the initial reaction was that of total shock. The Prime Minister, Geir Haarde, addressed the nation on live television on October 6 finishing his talk with the words, 'May God bless Iceland'. While intended to raise the spirits of the public, this soon became a popular phrase of those criticising the government and the political establishment. The first protests were held in front of the Central Bank on October 10. They were organised by two individuals and promoted on Facebook. Some two hundred individuals showed up and one of them was Hörður Torfason, a singer and human rights activist.<sup>14</sup> The following day, he organised the first protests in front of Althingi in the name of a new group called 'the voices of the people', which would be repeated weekly until January 31, 2009. While the protesters were few at first, they grew rapidly and numbered several thousands during the later stages. They demanded the resignation of the government and new elections, and the resignations of the directors of the Central Bank and the Financial Supervisory Authority. A new constitution was not a central demand of the organisers, but the need for a revision of the entire political system was often mentioned. Several 'citizens' meetings' were also held in the fall of 2008. During one of those meetings, the foreign minister and leader of the Social Democrats, Ingibjörg Sólrún Gísladóttir, said that she doubted that those in attendance could speak in the name of the nation, invoking loud protests from the audience. The claim to represent the 'voice and will' of the public has since been popular in the constitutional debate.

In June 2010, Althingi passed Act No. 90/2010 establishing a consultative Constitutional Assembly. A committee of seven members was elected to prepare a 'National Gathering' where approximately one thousand people would be selected by means of random sampling. The Gathering should 'endeavor to call for the principal viewpoints and points of emphasis of the public concerning the organisation of the country's government and its constitution; the committee shall process the information collected at the National Gathering and deliver to the Constitutional Assembly when it convenes'.<sup>15</sup> The 'National Gathering' was influenced by a similar meeting in November 2009, which was organised by several grassroots movements called 'The Anthill'. Twelve hundred were randomly selected by The Anthill and additional three hundred representatives of institutions and organisations were specially invited. The meeting sought to discover the 'value' of the nation divided into nine pre-selected themes: education, family, welfare, economy, environment, sustainability, opportunities, equality, and public administration. The deliberative nature of the meeting was unique in Iceland and, although the results were quite abstract, they did offer a form of decision-making-from-below<sup>16</sup>.

The 'National Gathering' produced eight different themes reflecting what the participants wished would form the basis of a new constitution. Again, the results could be described as abstract and general, although several common ideas could be identified between the two meetings. The organisers used 'word-clouds' to describe the results with words such as equality, democracy, honesty, respect, human rights, justice, and liberty, representing the values the participants wanted the new constitution to be built on.<sup>17</sup> A more detailed description of the values followed and were later presented to the Constitutional Council. The process has been criticised by academics who claim that limited time and the vague wording of results cannot form the base of a new constitution. More in-depth discussion was needed to determine the 'will of the nation'.<sup>18</sup> Vilhjálmur Árnason, a professor of philosophy, argued that Iceland was a perfect setting for 'citizens' meetings' where democratic deliberation is used to answer complicated questions.<sup>19</sup> In his view, the National Gathering did not seem to provide such a debate and appeared based on a method more suitable for businesses reflecting on clear-cut issues, than for debating complicated moral questions. He concludes that the setup and the way in which some members of the Constitutional Council interpreted, and later claimed to represent only the will of the public as expressed during the meeting, drove the debate towards confrontation and created a hindrance for further democratic discussion, for example in the Althingi.<sup>20</sup>

Elections for the Constitutional Council were held on November 27, 2010. Everyone could stand for election except the president, ministers, and members of Althingi. Five hundred twenty-two candidates stood for office, which created several logistical problems leading up to the elections.<sup>21</sup> For the first time in Iceland's history a proportional STV system was used and voters had to choose and rank up to twenty-five names in the voting booth. A new voting system and difficulties in choosing between so many individuals surely influenced the turnout, with only 36 per cent of the electorate casting its votes. Compared to

normal elections this must be considered a very low turnout. Because of the special nature of the elections a new computer system was used to scan and count the ballots, meaning that special paper had to be used and the ballots could not be folded before being placed in the ballot box. Furthermore, each ballot had a special barcode and serial number. After the elections three individuals complained to the Supreme Court, arguing that election laws had been broken. The Supreme Court ruled that the elections had been flawed, partly because of markings on the ballots which theoretically could be used to discover who had cast the vote, and because the ballot could not be folded. The Supreme Court annulled the elections, creating a legitimacy problem for what later would become the Constitutional Council.

Althingi debated how it would proceed after the ruling and decided to appoint the twenty-five who had been elected to a Constitutional Council, with all but one accepting a position. Thirty parliamentarians voted yes, twenty-one voted no, and seven abstained. Many of those who voted no stated that the proposal was a direct violation of the ruling of the Supreme Court, and some, such as the chairman of the Progressive Party's parliamentary group, declared that due to the flawed process they would not respect the proposals from the Constitutional Council.<sup>22</sup> A rift had thus formed between the parties in Althingi, but furthermore between some parliamentarians and the Constitutional Council that had yet to convene.

### *The Constitutional Council*

The Constitutional Council gathered on April 6, 2011. The preparatory committee submitted a 700-page report, using the results from the National Gathering to make suggestions to the Council. A final draft of a new constitution was presented to the Speaker of Althingi on July 29, giving the Council just under four months to complete its work. Three American constitutional scholars who reviewed the draft were highly supportive of its participatory features. Their conclusion was that

Iceland's constitution-making process has been tremendously innovative and participatory. Though squarely grounded in Iceland's constitutional tradition as embodied in the 1944 Constitution, the proposed draft reflects significant input from the public and would mark an important symbolic break with the past. It would also be at the cutting edge of ensuring public participation in ongoing governance, a feature that we argue has contributed to constitutional endurance in other countries.<sup>23</sup>

The draft included articles that would fundamentally alter the civic-participatory nature of Icelandic politics. Ten per cent of the electorate would be able to demand a referendum on laws passed by Althingi (Art. 65), 2 per cent could present an issue to Althingi, and 10 per cent could present a bill to Althingi (Art. 66).<sup>24</sup> The draft also included an article on natural resources, stating that

those that were not private property should be the property of the nation and that no one could acquire them for permanent use. Included were marine stocks, water rights, and rights to geothermal energy and mining (Art. 34). The draft also introduced a new election system, a changed role for both the president and Althingi, and an updated chapter on human rights.

The Council allowed the public unprecedented access to its work on all stages through open meetings, its website, and social media. Members of the Council have also said that they received numerous emails and phone calls from the public during the work (interviews with the author). Written comments numbered 3,600, and 370 suggestions were sent to the Council's website.<sup>25</sup> An analysis of the comments reveals that they came from a total of 218 individuals and organisations, 13 per cent came from women, 77 per cent from men, and 10 per cent from organisations. A further analysis of forty random commenters showed that few young people sent in suggestions and most comments were from men aged 40–65.<sup>26</sup>

While the phrase 'crowd sourced constitution' has been used to describe the draft, it seems that it is an overstatement. Prof. Eiríkur Bergmann Einarsson, a member of the Council, claims that they 'welcomed this focus and even played on it and used it to its advantage in domestic politics'. He adds that it was 'never a realistic description of the drafting', partially because of limited time meaning that Council members were unable to 'plough through all the extensive input'.<sup>27</sup> While the phrase itself seems overstated, the public was certainly allowed to send in suggestions and comments. That, however, is no different from the legislative process in Althingi, where everyone can send in comments to parliamentary committees. The difference lies rather in the website's design with its easiness to send in comments and the use of social media.

The Council welcomed comments and suggestions from the public but it also published on its website twenty-four 'expert opinions' it had specifically asked for.<sup>28</sup> It seems that the only group that was not welcomed during the Council's work were politicians. Prof. Þorvaldur Gylfason, a member of the Council, wrote in a newspaper article that Althingi should not intervene in the Council's work because 'it should not be a judge in its own cause'.<sup>29</sup> When the Council handed the draft to Althingi, all delegates agreed that the population should be given a chance to vote on the new constitution before Althingi's final vote on it. Some have interpreted this as meaning that Althingi should not discuss it materially until after the public's vote. Pawel Bartoszek, a Council member, disagrees, and writes that different opinions existed within the Council and that it was up to Althingi to decide on the timing of a referendum.<sup>30</sup>

Parliamentarians were unsure how to continue the work. In February 2012, it was decided to recall the Council for four days in March to answer questions that Althingi's Constitutional and Supervisory Committee would refer to it. The former chairman of the Constitutional Council, Salvör Norðdal, criticised Althingi for the procedure and did not attend due to prior engagements. She claimed in a letter to the committee that the notice was too short, the purpose unclear, and four days would not suffice to discuss possibly complicated issues. At this point no material discussion on the draft had taken place in Althingi.



*Interpreting referendums*

In May 2012, Althingi decided to hold an advisory referendum on the draft from the Constitutional Council, in October that same year.<sup>31</sup> Six questions were posed to the electorate:

- 1 Do you wish the Constitutional Council's proposals to form the basis of a new draft Constitution?
- 2 In the new Constitution, do you want natural resources that are not privately owned to be declared national property?
- 3 Would you like to see provisions in the new Constitution on an established (national) church in Iceland?
- 4 Would you like to see a provision in the new Constitution authorising the election of particular individuals to the Althingi more than is the case at present?
- 5 Would you like to see a provision in the new Constitution giving equal weight to votes cast in all parts of the country?
- 6 Would you like to see a provision in the new Constitution stating that a certain proportion of the electorate is able to demand that issues be put to a referendum?

The questions were criticised for being vague and the opposition of both the Independence Party and the Progressive Party was obvious. The leader of the Independence Party encouraged the party's members to turn up and vote no to the first question. A turnout of 48.3 per cent was a significant improvement from the elections to the Constitutional Assembly but markedly less than in the two Icesave referendums in March 2010 and April 2011.<sup>32</sup> Remarkably, between the general elections in 2009 and 2016, the Icelandic electorate cast its vote eleven times in three referendums, elections to the Constitutional Assembly, two local elections, two presidential elections, and three general elections.

Björg Thorarensen, a law professor at the University of Iceland and an expert in constitutional matters, has written that advisory referendums could be used to

*Table 7.1* The results of the 2012 referendum

<i>The results of the 2012 referendum</i>			
	<i>YES / % OF VOTES CASTED</i>	<i>NO / % OF VOTES CASTED</i>	<i>TOTAL / % OF THE ELECTORATE</i>
Question 1	73,509 / 67%	36,302 / 33%	109,811 / 46.3%
Question 2	84,760 / 83%	17,470 / 17%	102,230 / 43.2%
Question 3	58,455 / 57%	43,914 / 43%	102,369 / 43.2%
Question 4	78,451 / 78%	21,660 / 22%	100,111 / 42.3%
Question 5	66,653 / 66%	33,590 / 34%	100,243 / 42.3%
Question 6	72,633 / 73%	26,440 / 27%	99,073 / 41.8%

Source: <http://www.kosning.is/thjodaratkvaedagreidslur2012/english/nr/7993>.



seek the nation's opinion on 'clearly defined issues'. If the questions were unclear or open for interpretations, political groups would be able to put forward competing interpretations of the results and make claims about citizens who did not vote.<sup>33</sup> This is indeed what happened in Iceland.

The political response to the referendum was predictably divided among party-political lines. The two government parties, Social Democrats and the Left-Green Movement, declared the results as an important step towards a new constitution. The Movement, which grew out of the protests in 2008–2009 and claimed to represent ordinary citizens outside of traditional politics, supported the Council throughout and was delighted with the results. The Independence Party and the Progressive Party were skeptical. The leader of the Independence Party pointed out that 70 per cent of voters had either stayed at home or voted against, thus interpreting the will of those that had not participated. The chairman of the Progressive Party's parliamentary group said that the referendum clearly showed that parts of the constitution needed to be revised but added that it was unlikely that Althingi had sufficient time to discuss those changes due to general elections coming up six months later.<sup>34</sup>

The question remained whether Althingi should or could make material changes to the draft. The Icelandic Constitution can only be changed if two different majorities in Althingi vote for the changes with general elections being held in between. The Prime Minister, Jóhanna Sigurðardóttir, stated in a television interview the morning after the referendum that Althingi had limited permission to make material changes to the draft. She added that Althingi could have a finalised version of the draft ready within two weeks. The government had asked a group of legal experts to review the draft to make sure there were no internal inconsistencies and to clarify words and concepts. While most people saw the need for such a revision, many believed it should be purely technical, and that no material changes could be proposed by the legal experts. Hafsteinn Þór Hauksson was one of the legal experts asked to review the draft. He says that the group made over eighty suggestions, but furthermore they also handed in a letter stating that several other changes should be considered which the group thought lay outside its official assignment (interview with the author). One of the suggestions was that the draft would be sent to the Venice Commission for a review, which was subsequently done. The Venice Commission released its opinion in March 2013. It commended '[t]he authorities' firm willingness to provide Iceland, following the recent economic and financial crisis, with sound, modern, and democratic legal and institutional foundations for the Icelandic people to build a more just society and more adequately benefit from the common heritage'. Increased transparency and the special attention to the active involvement of citizens in the process was also commended. However, it criticised the proposed institutional system as being too complex, especially regarding the division of power between Althingi, the government, and the president. And while they welcomed in principle new ways of peoples' intervention through referendums, the commission warned that they seemed too complicated. Too many provisions were 'formulated in too vague and broad terms', which might 'lead to serious difficulties of interpretation and application'. 'Overall, there are reasons for the

Venice Commission to see the risk of political blockage and instability, which may seriously undermine the country's good governance. Similar considerations have been raised by the proposed electoral system, which would also need more careful consideration.<sup>35</sup>

The most vocal member of the Constitutional Council was Porvaldur Gylfason, a professor of economics at the University of Iceland. He has repeatedly stated that the Council projected the will of the nation, represented by the findings of the National Gathering and continuous dialogue during the Council's work, and later approved through a referendum.<sup>36</sup> In February 2014, he stated that the failure to adopt a new constitution was a betrayal of Althingi, and of academic elites that had hindered the process due to their insistence that they should write the constitution instead of non-experts (interview with the author). This criticism of the academic community has been repeated by other members of the Constitutional Council as well as several supporters of the process outside of traditional institutions of power. Much of the criticism from academics revolved around the same issues the Venice Commission had mentioned. Several academics, most of whom were legal scholars or political scientists, criticised parts of the draft in a series of conferences at the University of Iceland. The university was criticised for the lack of supportive voices amongst the speakers, especially by members of the Constitutional Council.<sup>37</sup> Porvaldur Gylfason wrote that it seemed that some academics viewed the Council as intruders in a private party and asked where they had been when the Council was working. Time for criticism had simply passed since the nation had already voted.<sup>38</sup>

Discussions in Althingi had been concentrated on procedural issues and the question how Althingi should continue with the work. With time running out a new bill based on the draft from the Council was submitted to Althingi on November 16, 2012. It went through two discussions but never made it to a final vote. On March 6, 2013, the newly elected chairmen of both the Social Democrats and the Left-Green Movement, along with the chairman of the newly formed party, Bright Future, presented an amendment to the constitution that effectively postponed discussions on the draft from the Constitutional Council until after the elections. According to the amendment the Icelandic Constitution can be changed up until April 30, 2017, in the following way: If two-thirds of parliamentarians agree on changes, they will be put to a referendum. The changes have to be confirmed by a majority of votes, and that majority must constitute at least 40 per cent of the electorate. The chairman of the Social Democrats said in a speech that more time was needed for Althingi to carefully discuss the new constitution and to build a consensus surrounding it.<sup>39</sup> It was clear that the majority feared a filibuster from the Independence Party and Progressive Party. As expected, neither party admitted that a filibuster was taking place, but it was evident from the proceedings in Althingi.<sup>40</sup> The amendment passed with 25 votes, 2 were against, 21 abstained, and 15 were absent. The Prime Minister, Jóhanna Sigurðardóttir, who for decades had promoted the idea of a constitutional assembly, abstained. After the general elections, the new Althingi passed the amendment for the second time with 42 voting yes, 15 voting no, and 2 abstaining.

While it seems obvious that the draft from the Constitutional Council produced substantial criticism from both academics and politicians, it had also received support from the public through a referendum. Therefore, one would think that it became an important issue during the campaign leading up to the elections. As we will see, the constitution was not high on the voters' agenda, and the parties that focused on it during the campaign did not receive much support.

### *2013 general elections*

The general elections in 2013 proved to be historical in many ways. The total collapse of the two government parties was unprecedented in Iceland's history, the fragmentation of the electorate was evident through the number of parties running, and more people than ever voted for parties that did not cross the 5 per cent threshold needed to gain seats. A total of eleven parties ran for election when the average number is around seven. The rift between the groups campaigning for a new constitution resulted in a new party being created. The Movement joined forces with other small parties and organisations and created a new list called Dawn. While some members of the Constitutional Council joined Dawn, others created a new party called the Democracy Watch, led by Þorvaldur Gylfason. Another Council member founded a third party, called The Party of the Households. Many found it odd that the three parties did not join forces since they shared many of the same values and campaigned on similar grounds. Personal issues seem to have played a role and on some issues, such as the indexation of mortgages, which is an important issue in Iceland, the parties did not agree.

An opinion poll showed that the constitution was not high on the list of voters' priorities. When asked to name the three most important campaign issues, only 15.8 per cent mentioned the constitution, while the most important issue was households' debts.<sup>41</sup> No party campaigned on the grounds of rejecting the new constitution or stopping the bill in Althingi, and all agreed that some changes were needed.

The Social Democrats lost almost 17 per cent of the total vote and eleven parliamentarians, and the Left-Green Movement lost almost 11 per cent and seven parliamentarians. Total support for the two parties fell from 51.5 per cent down to 23.8 per cent, in an unprecedented collapse of voter support. Two new parties crossed the 5 per cent barrier, Bright Future and the Icelandic Pirate Party. Dawn received 3.1 per cent, the Democracy Watch, 2.5 per cent, and the Party of the Households, 3 per cent. Had the three parties joined forces, or even just the first two, they would probably have gained seats in Althingi. Almost 12 per cent of the electorate voted for parties that did not gain any seats and a quarter of the electorate voted for parties other than the traditional four.<sup>42</sup>

The clear winner was the Progressive Party with 24.4 per cent, a gain of 9.6 per cent from 2009. The Independence Party remained the largest party with 26.7 per cent, which is still its second worst result in a general election, the worst being in 2009. The two parties later formed a government with

the thirty-eight-year-old leader of the Progressive Party, Sigmundur Davíð Gunnlaugsson, becoming the youngest Prime Minister since independence in 1944.

*Voters' attitude towards constitutional change*<sup>43</sup>

The Icelandic National Election Study (ICENES) is an ongoing study from 1983 directed by Dr. Ólafur Þ. Harðarson, professor of Political Science at the University of Iceland. ICENES is part of the Nordic Electoral Democracy (NED), a Nordic collaborative program on democracy and elections, Comparative Studies of Electoral Systems (CSES), and True European Voter (TEV), which are international collaborative programs on election studies. The 2013 study shows that although the public is willing to change parts of the constitution, that interest is not considered an important election issue. When participants were asked whether they had voted in the referendum on the constitution in October 2012, 1,025, or 71 per cent of those that answered the question, had voted, while 419, or 29 per cent, had not. Considering that the turnout in the referendum was 48.3 per cent, people who participated are over-represented in the survey.

In total, 54.6 per cent answer that it is somewhat or very important to change the constitution, while 35.7 per cent said it was not very or not at all important. This view has routinely been confirmed in polls on specific constitutional issues, such as whether to include an article about natural resources. The ICENES survey asked whether the public should be able to demand a referendum on specific issues, and 80 per cent of those that answered (N = 1102) said they somewhat or strongly favoured the idea, but only 14.8 per cent (N = 203) somewhat or strongly opposed the idea.

When asked to name the most important political issue Iceland was facing only 1 per cent (N = 13) mentioned the constitution. And when asked what they had considered the most important issue in the general elections only 1.4 per cent (N = 18) said the constitution. The number was slightly higher when people were asked to name the second most important issue, yet only 2 per cent (N = 24) said the constitution. This is, of course, not very surprising. The economy and the economic situation of households was by far the most important issue in the

*Table 7.2* Do you consider it important to change the current constitution?

<i>Do you consider it important to change the current constitution?</i>	
Not at all important	162 / 10.9%
Not very important	367 / 24.8%
Somewhat important	522 / 35.4%
Very important	284 / 19.2%
Does not answer	29 / 1.9%
Does not know	110 / 7.4%
<b>Total</b>	<b>1474 / 100%</b>

minds of voters, with almost half mentioning it as either the most or second most important issue. Labour issues, the EU, health care, and the tax system all rated higher than the constitution.

### **A continuous constitutional saga**

The Icelandic constitution could – until the temporary amendment was passed in 2013 – only be changed by two different majorities in Althingi, with elections being held in between. Theoretically, this means that the electorate can have their saying on constitutional affairs by voting for parties that support their views. This has, however, never been a political actuality in Iceland. From 1944 the constitution has been changed a total of seven times and usually through a prolonged discussion and consensus in Althingi. A new parliament has never rejected changes to the constitution passed by a prior session. The 2013 elections show us that even when the constitution has become a highly contested and politicised issue, it still does not manifest itself in voter behaviour.

Perhaps the explanation is simply that the political parties had avoided the discussion by passing the temporary amendment instead of the new bill as a whole. It is highly likely that the Independence Party would have campaigned against the bill and probably the Progressive Party as well. That might have resulted in voters casting their votes based directly on their opinion of the new constitution.

### *The Panama Papers, the Pirate Party, and the return to the right*

In November 2013, the Prime Minister appointed a new seven-member constitutional committee to continue the work. The committee was made up of six current or former politicians and three legal scholars, and so it seemed that the ‘professionals’ had retaken control of the process. It should be noted that several other committees have been appointed since 1944 to review the constitution, but none have succeeded in writing a new one. The committee prioritised four subjects in its work: natural resources, environmental protection, referendums, and the partial transfer of sovereignty to international institutions. In June 2014, the committee published a provisional report inviting the public to comment on the work. Although several comments were received, most of them were a reminder of the referendum in 2012.<sup>44</sup> In February 2016, the committee introduced three different amendments, having failed to agree on an amendment on the partial transfer of sovereignty.<sup>45</sup> The decision to submit three amendments was intentional since one amendment would have forced the public to vote on a take-it-or-leave-it package.

The three amendments were as follows: Article 79 concerned the protection and accessibility of nature, giving the public a constitutional right to access information on any developments that might affect the environment. Article 80 stated that Iceland’s natural resources belonged to the Icelandic people and that nobody could obtain ownership or permanent utilisation of them. Furthermore, it stated that an appropriate fee should be charged by the authorities for the

utilisation of natural resources. Article 81 stated that 15 per cent of the public could force a referendum on laws or resolutions adopted by Althingi. However, the budget, supplementary budgets, acts on matters concerning taxation, and acts adopted to fulfil obligations under international law would not be put to a referendum according to the proposal. To reject an act or a resolution, according to the article, a majority in a referendum but no less than a quarter of the population would have to vote against it.

The proposals did not receive a great deal of attention when submitted by the committee. The reason was probably that they had to be officially submitted to Althingi, which then would have to debate on the issue. Before that could happen, the Panama Papers leak sent a shockwave through Icelandic society.

On April 3, 2016, over one hundred media organisations in around eighty countries published stories based on the Panama Papers. The origin was one of the biggest leaks of documents in history, some 11.5 million documents detailing financial and attorney-client information on over two hundred thousand offshore entities. The names of three Icelandic ministers were in the papers, including the Prime Minister's and the Finance Minister's. The following day over twenty thousand Icelanders protested in front of Althingi calling for the resignation of the government and general elections. On April 5, the Prime Minister met with the Icelandic president giving an unorthodox statement afterwards on the content of their talks.<sup>46</sup> Later that day the Prime Minister stepped aside with the Progressive Party's vice chairman taking over as Prime Minister. According to Article 24 of the constitution the president can dissolve Althingi. However, Article 13 states that the president entrusts his authority to ministers. The role and power of the president has been a contested issue in Icelandic politics. The power to dissolve Althingi has generally been considered to be de facto combined in the positions of the President and Prime Minister, meaning that both would have to agree. But during those days in April, it became clear that the wording in the constitution allowed for different interpretations. Thus, the constitution was high on the political agenda and one of the major themes in the political debate during those turbulent times.

Later that summer the constitution was yet again a central part of political discussions before the presidential elections in June. Every candidate had to answer questions about his view of the role of the president in the political system and his view on the draft from the Constitutional Council. After twenty years, President Ólafur Ragnar Grímsson had decided to step down. He was the first president to invoke Article 26 by rejecting to sign a bill passed by Althingi, thereby forcing a referendum. President Grímsson has in many ways changed the role of the president leaving some scholars to describe the system as a semi-presidential government.<sup>47</sup> The new President, Guðni Th. Jóhannesson, is a professor of history and an expert on his predecessors. During the campaign, he seemed to suggest that the presidency under Grímsson had become too politicised and that he would return to a more ceremonial role.

On August 25, 2016, the Prime Minister, Sigurður Ingi Jóhannsson, submitted a bill to Althingi containing the three amendments proposed by the

constitutional committee. Interestingly enough, the bill was not a formal proposal by the government, but a parliamentary bill which usually is much less likely to go through. After a single debate, the bill was sent to a committee but did not make it back to Althingi before the elections.

New general elections were called for on October 29, 2016, six months before schedule. The Pirate Party had enjoyed miraculous support in the polls with 36.1 per cent in a Gallup poll on March 31, just before the release of the Panama Papers. From then until the elections in October there was an almost continuous decline. There are several possible explanations but that analysis lies outside the scope of this chapter. It should, however, be said that the party campaigned on few but very distinct issues, one of them being the adaption of the Constitutional Council's constitution. The Icelandic National Broadcasting Service (RUV) requested a poll on voters' preferences before the elections. In total, 36.4 per cent answered that they thought it was very or somewhat important to discuss the revision of the constitution before the elections. When asked to rank issues, the revision of the constitution came eighth with 5.4 per cent saying it was the most important issue and a further 4.1 per cent that it was the second most important issue. Whatever the reason, the Pirate Party received 14.5 per cent of the vote and 10 out of 63 parliamentarians. While the party grew from the 2013 elections, the result was met with disappointment from within, especially compared to the polls. The Pirates are seen as an outsider party campaigning for structural changes through a new constitution. It is clear that they have gathered much of the dissent vote but that has not allowed them to gain a foothold in government.

### *New government*

After the elections, a prolonged discussion took place between the political parties on the formation of a new government. On January 11, 2017, a new coalition government under the leadership of the Independence Party was formed. Made up from three parties, it enjoys a single seat majority in parliament, making it extremely fragile in a complex political environment. Besides the Independence Party, Bright Future and the Reform Party joined the coalition. The Reform Party is a liberal, EU-enthusiastic party, which during the campaign promised several structural changes in the fishing and agricultural industries. The new government mentions the constitution in its manifesto. It states that:

A review of the Icelandic constitution will be undertaken on the basis of the wide-ranging work that has taken place in recent years. The government will invite all parliamentary parties to nominate a representative for a parliamentary review committee which will collaborate with the most skilled specialists in the field of constitutional law in order to reach the best possible agreement on a proposal for amendments, which will be put forward no later than 2019. It is an important goal that all amendment proposals should be thoroughly publicised and discussed before they are submitted to the Althingi and they should be given thorough treatment in parliament, in open



meetings as appropriate. Consideration will be given to a review of constituency boundaries in the light of the experience gained from the most recent changes made. In parallel with this, electoral legislation will be reviewed with a view to simplifying it and increasing equality in the weighting of votes.

## Conclusions

Why did the process that began with such high hopes falter and eventually stop? Björg Thorarensen, a professor of law at the University of Iceland, offers four possible explanations. Firstly, she questions whether it is possible to shift the task of constitution-making from a political forum to a consultive body. Defining it as a non-political process had been doomed to failure from the beginning since it could never replace the legitimate process provided for in the constitution. Secondly, she feels the need to distinguish between the involvement of people on the one hand, and the technical aspects of writing a constitution on the other. Too many inconsistencies had been found in the text. Thirdly, the hesitation in Althingi and the dragged-out process limited the time available for discussions. Almost a year was spent on deciding to have an advisory referendum, leaving only four months to discuss the bill. Finally, the goal to achieve a consensus was ambitious from the beginning, but became almost impossible after the ruling from the Supreme Court. From then on, the process became political with two opposition parties fighting it at every turn.<sup>48</sup>

While I agree with points three and four, the first two are open for debate. It is true that the constitution dictates that politicians make the changes and that they are only bound by their conviction. It is also to be expected that a group of individuals with limited experience in writing bills will run into problems and inconsistencies. But while these are descriptions of what happened, they are not a necessary truth. Politicians can clearly decide that their conviction is to follow the public's will as represented in an advisory referendum. It may not be legally binding, but many would argue that it could be morally binding. Furthermore, the writing of a legislative text is a logistical problem easily circumvented by professional assistance. That a group of legal scholars found it necessary to make several changes to the text from the Constitutional Council does not in itself invalidate its work or the process.

I would, however, offer two further explanations regarding the process that might explain it. A leading politician from the Social Democrat has said that the confrontational rhetoric of some Council members came as a shock. They felt that they were being unfairly attacked by a group that they had not only established but supported throughout (interview with the author). This begs the question how social movements should communicate with political elites. By placing themselves on the side of the public and against politicians who lack the public's trust might seem as a good idea. The danger is that it alienates possible partners. After the financial crisis, the public's trust towards political institutions was at an all-time low, with merely 10 per cent saying they trusted Althingi. A new constitution written with the involvement of the public was

indeed seen as an attempt to regain that trust. And while voter volatility has increased, voters still work within the traditional boundaries set by the political system. The Constitutional Council misinterpreted the public's enthusiasm, alienated potential political partners, and made it easy for the center-right parties to paint it as a tool for a leftist political agenda.

The second explanation is the enthusiasm of the public and its participation in the process. Throughout, the public had access to the Council's work and with the referendum they had a chance to speak their minds. The ICENES survey also shows a willingness to change parts of the constitution. At the same time, it is not seen as an election issue, as other issues are simply more important in the minds of voters. If the public's will is reflected through elections, it is at least clear that its desire to obtain a new constitution based on the Council's draft was not so great so as to transform itself into votes. A small group has been extremely interested in the constitutional process from the beginning and the social movement campaigning for change has been vocal and in many ways successful. In a post-crisis or even a post-revolutionary scenario the voices campaigning for change are often the loudest. The silent majority might still win in the end.

Enthusiasm can fade quickly. In Iceland, the public prioritised financial issues such as debt relief and housing over changes to the constitution. The belligerent rhetoric of parts of the Council's members did not help due to the following politicisation of the draft submitted. Although the Pirate Party is still arguing for the draft, it seems unlikely that it will become the next Icelandic Constitution. Although most would agree that certain changes are needed – and indeed expected – the draft's supporters have not succeeded in convincing a majority of the public, academic elites, or politicians that it should be adopted. Iceland's financial success in the last couple of years has not helped their case.

Can the Icelandic constitutional experiment be described as a success? If measured in changes adopted, then no – absolutely not. However, if measured in terms of continuous discussion on the role of the constitution, it might be seen as a success. At least, it has shown that the constitution is far from forgotten or somehow unimportant in Icelandic society.

## Notes

- 1 Paul Blokker, 2012, 'Dilemmas of Democratisation from Legal Revolutions to Democratic Constitutionalism?', in *Nordic Journal of International Law* 81(4), pp. 437–470; Jon Elster, 'Deliberation and Constitution Making', in *Deliberative Democracy*, ed. Jon Elster (Cambridge: Cambridge University Press, 1993).
- 2 Elster (n1) 371.
- 3 Susan Burgess and Christine (Cricket) Keating, 2013, 'Occupy the Social Contract! Participatory Democracy and Iceland's Crowd-Sourced Constitution', in *New Political Science* 35(3), pp. 417–431, 421.
- 4 *The Guardian* 09.06.2011 and *The New York Times* 24.10.2012 are just two examples of several articles using that phrase. As will be discussed the draft was never a crowd-sourced constitution.
- 5 Jack M. Balkin, 2005, 'How Social Movements Change (Or Fail To Change) the Constitution: The Case of the New Departure', in *Faculty Scholarship Series*.

- Paper 235. available at: [http://digitalcommons.law.yale.edu/fss\\_papers/235](http://digitalcommons.law.yale.edu/fss_papers/235) (last accessed 11.03.2014).
- 6 David A. Snow and Sarah A. Soule, *A Primer on Social Movements* (New York and London: W. W. Norton & Company, 2010): 6.
  - 7 Njörður P. Njarðvík, 2009. Nýtt Lýðveldi, Fréttablaðið 14.01. <http://www.visir.is/nytt-lydveldi/article/2009133864879>. While it is possible that others mentioned a new constitution before, Njarðvík's statement is generally agreed to be the first of notice.
  - 8 A list of proposals regarding the constitution can be found in Gunnar Helgi Kristinsson, 2007, 'Ágrip af þróun stjórnarskrárinnar', in: *Endurskoðun stjórnarskrárinnar. Áfangaskýrsla nefndar um endurskoðun stjórnarskrár lýðveldisins Íslands, febrúar 2007*. Þskj. 1293–709. mál: 61–87.
  - 9 <http://www.youtube.com/watch?v=uf66Nkqiu3A>.
  - 10 Morgunblaðið 2009.
  - 11 Samstarfsfyrirlýsing ríkisstjórnar Samfylkingarinnar og Vinstrihreyfingarinnar – græns framboðs. 2009. [http://www.stjornarrad.is/media/Skjol/rikisstjorn\\_8mai09.pdf](http://www.stjornarrad.is/media/Skjol/rikisstjorn_8mai09.pdf) (last accessed 07.03.2014).
  - 12 See for example Þorvaldur Gylfason 14.12.2012.
  - 13 Jón Ólafsson, 2011. 'An experiment in Iceland: Crowdsourcing a Constitution?', a paper introduced at the conference Epistemic Democracy In Practice at Yale University, October 2011, available at: [http://www.yale.edu/polisci/conferences/epistemic\\_democracy/jOlafsson.pdf](http://www.yale.edu/polisci/conferences/epistemic_democracy/jOlafsson.pdf) (last accessed 11.03.2014).
  - 14 Stefán Gunnar Sveinsson, *Búsáhaldbaþytingin: sjálfsprottin eða skipulögð?* (Reykjavík: Almenna bókafélagið, 2013).
  - 15 Act No. 90/2010.
  - 16 Baldvin Thor Bergsson and Paul Blokker, 'The Constitutional Experiment in Iceland', in *Verfassungsgebung in konsolidierten Demokratien: Neubeginn oder Verfall eines Systems?* (Baden-Baden: Nomos Verlag, 2014).
  - 17 The main conclusions can be found here: <http://www.thjodfundur2010.is/frettir/lesa/item32858/>.
  - 18 Gunnar Helgi Kristinsson, 2012, 'Ráðskast með stjórnarskrá' (Manipulating the Constitution), in: *Icelandic Review of Politics and Administration* 8(2), pp. 565–570.
  - 19 Vilhjálmur Árnason, 2013, 'Valdið fært til fólksins? Veikleikar og verkefni íslensk lýðræðis í aðdraganda og eftirmála hrunsins' (Power Brought to the People? Weaknesses of and Challenges to Icelandic Democracy Before and After The Crash), in *Skírnir* 187(spring), pp. 11–54.
  - 20 Árnason (n17) 30–31.
  - 21 One of the most bizarre demands was that the Icelandic National Radio would introduce every single candidate, since it had a legal obligation to inform the public prior to elections. The Radio decided to give each candidate a couple of minutes to answer pre-determined questions. With 522 candidates, the National Radio broadcasted over fifty hours of interviews between November 22–26.
  - 22 Gunnar Bragi Sveinsson made the statement during the vote in Althingi. <http://www.althingi.is/altext/139/03/r24111821.sgml> (Last accessed 07.03.2014).
  - 23 Zacharia Elkins, Tom Ginsburg, and James Melton, 2012, 'A Review of Iceland's Draft Constitution', available at: <https://webpace.utexas.edu/elkinszs/web/CCP%20Iceland%20Report.pdf> (last accessed 11.03.2014), 11.
  - 24 The draft can be found here: [http://www.stjornlagarad.is/other\\_files/stjornlagarad/Frumvarp-enska.pdf](http://www.stjornlagarad.is/other_files/stjornlagarad/Frumvarp-enska.pdf). While the draft opens new ways of civic-participation it still added a caveat in Article 67: 'Issues presented before a referendum at the demand or initiative of voters according to Articles 65 and 66 shall concern the public interest. On their basis, a vote may not be demanded on fiscal budgets, supplementary fiscal budgets, laws enacted to enforce international obligations as well as laws concerning tax issues or the right to citizenship. Care shall be taken that a bill at the initiative of the voters shall be in accordance with the Constitution.'

- 25 Stjórnlagaráð 2011.
- 26 Ragnhildur Helgadóttir, 2014, ‘Facebook-demokratiet’: Et islandsk eksperiment’, paper presented at the Grunnlovssymposiet ved det Juridiske Fakultet i Bergen 20. 2. 2014, available at: [https://www.academia.edu/6263582/\\_Facebook-demokratiet\\_-\\_et\\_islandsk\\_eksperiment](https://www.academia.edu/6263582/_Facebook-demokratiet_-_et_islandsk_eksperiment) (last accessed 11.03.2014).
- 27 Eiríkur Bergmann Einarsson, *Iceland and the International Financial Crisis: Boom, Bust & Recovery* (Basingstoke and New York: Palgrave Macmillan, 2014): 179.
- 28 Fourteen opinions came from legal scholars, eight from ministries, one from a political scientist, and one from the secretary of Althingi’s Budget Committee.
- 29 Þorvaldur Gylfason, 2011, ‘Þjóðaratkvæði um frumvarp Stjórnlagaráðs’ (A referendum on the draft from the Constitutional Council), in DV, 28.10.2011, available at: <https://notendur.hi.is/~gylfason/referendum%202011.html> (last accessed 11.03.2014).
- 30 Pawel Bartoszek, 2012, ‘Fyrirfram vitað eftir á’ (Preknown afterwards). Personal blog. Available at: <http://pawel.is/2012/02/22/fyrirfram-vitad-eftir-a/> (Last accessed 04.03.2014).
- 31 An advisory referendum is a problematic term but the Icelandic Constitution only allows for binding referendum on two occasions: when the president refuses to sign a bill, or when changes are made to the State Church. It further complicates the matter that according to the constitution members of Althingi are bound solely by their conviction and not by instructions from their constituents (Art. 48). It has, therefore, been discussed whether they are bound, legally or morally, to follow the results from an advisory referendum.
- 32 The Icesave dispute was a diplomatic dispute between Iceland on the one hand and the UK and the Netherlands on the other. It centered on whether the Icelandic state should guarantee at least for the repayment of the Icelandic minimum deposit guarantees on savings lost in the Icesave branches in the two countries when the privately owned Landsbanki went bankrupt on October 7, 2008.
- 33 Björg Thorarensen, 2012, ‘Þjóðin er stjórnarskrárgjafi – ekki ráðgjafi’ (The nation should adopt the constitution – not write it), in, *Fréttablaðið*, 31. October, available at: <http://www.visir.is/thjodin-er-stjornarskrargjafi-ekki-radgjafi/article/2012710319973> (last accessed 11.03.2014).
- 34 Skúli Hansen, 2012, ‘Deila um niðurstöðurnar’ (Arguing about the results), in *Morgunblaðið*, 22. October, available at: [http://www.mbl.is/frettir/innlent/2012/10/22/deila\\_um\\_nidurstodurnar/](http://www.mbl.is/frettir/innlent/2012/10/22/deila_um_nidurstodurnar/) (last accessed 11.03.2014).
- 35 Venice Commission, 2013, *Opinion on the Draft New Constitution of Iceland*, Adopted by the Venice Commission at its 94th Plenary Session (Venice, March 8–9, 2013), available at: <http://www.althingi.is/pdf/venice.coc.pdf> (last accessed 11.03.2014), 30–31).
- 36 Þorvaldur Gylfason, 2012, ‘Vor í lofti og varla komin jó! (Spring is in the air and it’s not even Christmas), personal blog, available at: <http://www.dv.is/blogg/thorvaldur-gylfason/2012/12/14/vor-i-lofti-og-varla-komin-jol/> (last accessed 11.03.2014).
- 37 This criticism was repeated in several interviews the author has conducted with members of the Constitutional Council.
- 38 Þorvaldur Gylfason, 2013, ‘Fræðasamfélagið og frumvarpið’ (The academic community and the constitutional draft), in DV, 11. January, available at: <https://notendur.hi.is/~gylfason/academic.html> (last accessed 10.03.2014).
- 39 Árni Páll Árnason during a speech in Althingi, transcript available at: <http://www.althingi.is/altext/raeda/141/rad20130306T173940.html> (last visited 10.03.2014).
- 40 It should be added that leaked text messages from the leader of the Progressive Party’s parliamentary group to his fellow members suggest that a filibuster was taking place. The messages have been reported by the Icelandic media.
- 41 The Poll was made by the Social Science Research Institute of the University of Iceland. The results were reported by the Icelandic Television (RUV). Accessed 10.03.2014 at: <http://www.ruv.is/frett/skuldamal-heimilanna-mikilvaegust>

- 42 The traditional four are the Independence Party, the Social Democrats, the Progressive Party, and the Left-Green Movement. A fifth party has usually entered Althingi and added together the five parties have received over 95 per cent of the vote. During the 2013 elections the number dropped to 80 per cent.
- 43 The data in this part come from the Icelandic National Election Study (ICENES). The author wishes to thank the directors of the study: dr. Ólafur Þ. Harðarson, dr Hulda Þórisdóttir, and Eva Heiða Önnudóttir, for their support and access to the data.
- 44 A formal statement by the committee July 1, 2016: [https://www.forsaetisraduneyti.is/media/stjornarskra/scan\\_11072016.pdf](https://www.forsaetisraduneyti.is/media/stjornarskra/scan_11072016.pdf)
- 45 An English version of the proposals: <https://www.forsaetisraduneyti.is/media/stjornarskra/proposed-amendments-constitution.pdf>.
- 46 No official minutes exist and the President and Prime Minister disagree on what took place in that private meeting.
- 47 Svanur Kristjánsson, 2002, 'Stofnun lýðveldis – nýsköpun lýðræðis', in *Skírnir*, 176 (1): 7–45.
- 48 Björg Thorarensen, 2014, 'Why the Making of a Crowd-Sourced Constitution in Iceland Failed'. Website article, available at <http://constitutional-change.com/why-the-making-of-a-crowd-sourced-constitution-in-iceland-failed/> (last accessed 11.03.2014).

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