

Korea - WFMDD

Direct Democracy in Europe (Theo Schiller)

Europe contains 35 countries, of which 27 are EU members. Stable systems of democratic government in most countries provide a positive environment for more participation. The pattern of Direct Democracy in Europe represents a colourful mosaic on four levels of political systems: local politics, regional states within federations, national level, and (hopefully) European level.

Direct Democracy in Europe originated roughly from four historical backgrounds:

- (1) In few states from the first transformation to democracy in 1919/1920, e.g. Germany.
- (2) In some states from the second democratic transformation after fascism 1945 ff.,
- (3) In many states from European integration after 1958,
- (4) In many states from the third democratic transformation after communism 1990 ff.

We find four basic forms of DD: mandatory referendum, government-initiated referendum, citizens' initiative with referendum, and agenda initiative.

National level – distribution of the four types of Direct democracy - Country profiles

- (1) Mandatory referendums: Ireland (all constitutional amendment); the constitution (of 1937) is supposed to integrate society after severe conflict. This also applies to European affairs.

In Denmark, referendums are quasi-mandatory for European affairs.

- (2) Government-initiated referendums: Typical in France (call by president).

In France, the directly elected president can appeal to the people by referendums for support of major decisions and his presumed position above party and social conflict (used few times).

This form is also used in Austria (call by parliament) in only one referendum on nuclear energy.

Several other countries used this form by ad-hoc legislation of parliament.

With this type, citizens can only respond to the question from above.

- (3) Citizens' Initiative: Available in Italy (referendum abrogativo, some 60 cases);

Latvia, Lithuania, Slovakia, Hungary. Slovenia (cit.-initiated referendum);

In Non-EU states: Croatia, Macedonia.

This type has advantage that citizens initiate the content of proposal and referendum - they articulate needs and demands “from below.”

Problems arise from high requirements in several countries:

(a) high signature quorum in Latvia, Lithuania, Slovakia → leads to only few cases,

(b) high turnout quorum, like 50 % of registered voters required in Italy → means that in some 60 referendums only few ballot votes were valid.

(4) Agenda Initiative offers citizens only the chance to present a proposal. The decision, however, is fully in the hands of the legislative (or other designated authority).

This form is known in Austria (used frequently) and in countries such as Poland, Romania, Spain, and Portugal where it is rarely used.

Regional states in federal systems:

In Germany, all regional states provide the citizens' initiative. Introduced in the context of democratic transformation after 1945, the regulations were improved during 1990s.

Requirements vary, like 10 % signatures are required in Bavaria, 5 % Hamburg – the two states with most activities, mostly on school and environmental issues and state structure.

In Italian regions, and in some autonomous regions in Spain, forms of direct democracy are also developing but not yet much practiced.

Local level:

Most advancement has occurred in Germany, where the citizens' initiative was introduced mainly after 1990. Requirements are often rather high (ca. 10 % signature quorum and 25 % approval quorum of registered voters for valid vote). Until 2007, some 4,500 initiatives and some 2,200 referendums have taken place (strong activity in Bavaria, Hamburg, Hessen).

In Italy local initiatives and referendums begin to be used.

In Norway, authorities call for consultative referendums, mostly on school and language issues.

In Poland, many referendums deal with the recall of municipal councils and mayors.

In the Czech Republic, several initiatives on city planning took place.

France lately introduced the option for local referendums to be called by municipal councils.

Context of European integration:

(1) Accession to the Union:

Joining the European community/European Union means changing the constitution of a member state, and in many countries, the people as sovereign had to confirm this by referendum (in most cases initiated by governmental authorities):

No referendums were held in the 6 founding members, but in Ireland, Denmark, U.K (early 1970s); *none* in Greece, Portugal, Spain (mid-1980s). Later: referendums in Austria, Finland, Sweden (1994), in all 8 East European states (2003) plus Malta, but *not* in Cyprus, Bulgaria and Romania.

(2): Treaty changes:

Referendums are mandatory in Ireland (6 referendums) and (quasi) in Denmark (4 referendums). Government-initiated: 6 referendums in four countries (2 in France)

(3) Referendums were also held in Non-EU countries:

Cooperation treaties or accession denied: Liechtenstein (2), Norway (2), Switzerland (8).

What experiences result from that? Referendums on accession to the EU affirm the principle of popular sovereignty but remain singular events. More intense experience with a cumulation of referendums on treaty amendments only occurred in Ireland and Denmark.

On the level of the European Union herself, an important innovation is under way: introducing the European Citizens' Initiative (ECI) in the Lisbon Treaty (art. 11.4). Although only an agenda initiative, this would be the first transnational instrument of direct democracy.

Summing up: Challenges and Prospects:

In Europe, we experience quite dynamic developments of direct democracy since the 1990s in the countries transformed from communism, in some Western European states, and on the European level.

Particularly on the local level, initiative and referendum can make a substantial contribution to consolidating and qualifying the overall democratic systems.

On the national level, however, citizens' initiative procedures and cultures have only developed in some countries – introducing citizens' initiatives in more countries remains a major challenge.

The best prospects would be to develop direct democracy at all four levels of the political systems. Direct participation will nourish the quality of future democracy.