

**Direct and Participatory Democracy at
Grassroots Level:**

Levers for forging EU citizenship and identity?

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Introduction

As the European Union (EU) settles down in its changed institutional arrangements following the entry into force of the Lisbon Treaty, the ways in which its citizens participate in democratic life is a priority on the agenda.

The preamble of the Lisbon Treaty itself states that the fundamental goals in this stage of European integration are “enhancing the efficiency and democratic legitimacy of the Union and [...] improving the coherence of its action”.

The Lisbon Treaty has introduced further steps to strengthen the structures of *representative* democracy at all levels regarding the EU. The powers of the European Parliament (EP) have been increased, notably through the extension of the Ordinary Legislative Procedure. The importance of the role played by national parliaments has been recognised, notably in being informed and in controlling respect for the principle of subsidiarity. There has been a reinforcement, regarding consultation and control of subsidiarity, of the role of the Committee of the Regions (CoR), whose members are “representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.”¹

The Lisbon Treaty also recognises forms of democratic participation which do not rest on territorial representation, but which may equally be relevant for democratic legitimacy, especially in the complex context of the EU. On the one hand, the democratic principles of the EU also include *functional* representation, that is, the aggregation of interests through membership-based social or economic organisations, a form of participation which has been referred to as “*associative* democracy”.² This encompasses one formal process of multilevel, interest-based representation, the European Social Dialogue, which has been considered, somewhat controversially, to be a “functional equivalent” of parliamentary representation in the policy areas concerned.³

On the other hand, the Treaty also recognises the importance for democracy in the EU of *direct* involvement by individual citizens, without intermediaries of any sort. Citizens are not only to be given the opportunity by the EU institutions to make their views known, but may also directly invite the European Commission to propose measures under the European Citizens’ Initiative (ECI).⁴

¹ Treaty on the Functioning of the European Union, Article 300 (3).

² See Saurugger, S. (2008), ‘Interest Groups and Democracy’. *West European Politics*, 3(6), 1274-1291.

³ Britz, G. and Schmidt, M. (2000), ‘The Institutionalised Participation of Management and Labour in the Legislative Activities of the European Community: A Challenge to the Principle of Democracy under Community Law’. *European Law Journal*, 6(1), 45-71.

⁴ Treaty on the European Union, Article 11 (1) and (4).

These kinds of participation are not only important as means to improve the quality and legitimacy of specific actions. They are practices which, reiterated over time, can promote more general perceptions of citizenship – feelings of common identity, recognition of duties and rights, a sense of belonging - which can help assure the democratic legitimacy of the EU in the long term.

In a Union of half a billion people, however, there are inevitable limits as to how far individuals can directly shape EU decisions. Beyond this, individual involvement and “active citizenship” can be promoted in two main ways.

First, people can participate in multilevel structures of political representation. This depends on the existence of multilevel political parties which operate at local, regional, national and European levels of government, and offer programmatic choices reflecting underlying preferences at each level. New steps to assist the consolidation of such parties are being promoted by the EP.⁵

Second, people can be more actively involved through more direct forms of participation in decision-making at each of these different levels of government.

The CoR has referred to this challenge as follows:

Getting the citizens to sign up to the European process is a challenge of credibility for European democracy. European citizenship is built, and European governance is based, on participation. This has two dimensions: representative democracy, which is its foundation, and participatory democracy, which enhances it [...] multilevel governance must combine the institutional recognition of the different tiers of government in Europe [...] with the organisation of political cooperation and the stimulation of the European public sphere.⁶

Local and regional authorities (LRAs), which by virtue of scale are closer to the citizen than national governments or the EU institutions, can play a particularly important role in this encouragement of active citizenship. The Opinion of the Committee of the Regions on the 2010 EU Citizenship Report indicates the wide range of ways in which citizenship can be promoted by LRAs, and local and regional “bodies” more broadly. On the one hand, they “will have a key role to play in the participatory processes to be put in place so as to implement a true bottom-up approach, allowing citizens to substantially contribute to defining EU policies that give concrete effect to their rights”. On the other hand, they “have for a long time been experimenting with successful initiatives, putting

⁵ European Parliament Resolution of 6 April 2011 on the application of Regulation (EC) No 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding (2010/2201(INI)).

⁶ Committee of the Regions, White Paper on Multilevel Governance, CdR 89/2009 fin, 17 June 2009, p.9.

themselves forward as promoters and facilitators of citizenship, partly through processes for participatory and deliberative democracy”.⁷

This report addresses the role of LRAs in supporting direct and participatory democracy at the grassroots level, in particular on issues connected with the European political debate, and the possible contribution of such actions to forging the notion of EU citizenship and identity.

Section One establishes the analytical framework for the study. The first aim is to clarify terms and concepts regarding the mechanisms of direct and participatory democracy. One immediate conclusion of the survey conducted was that the initiatives which have taken place in the Member States are many and varied, and there is no single “catalogue” of mechanisms which from which they are drawn. The same terms are used in different senses, and different assumptions seem to be made about the nature and broader potential of the processes involved. Although there is no need to pursue uniformity, it would seem to be of political relevance as well as of analytical importance to promote a common conceptual framework into the EU debate. This section therefore starts by distinguishing direct and participatory democracy as separate but overlapping sets of practices, and by identifying the main variants within each set.

This section then places in context the question of how such initiatives can contribute to the deepening of EU citizenship, and democracy in the EU. It briefly discusses the limitations that necessarily affect the exercise of “direct democracy” at EU level by virtue of both scale and nature, and recalls the different forms of democratic participation which coexist in the EU system.

Section Two provides an indicative *fiche* for each EU Member State, divided into two sections: one on direct democracy instruments as defined in the first section (referendums, initiatives, recall votes), and one on participatory democracy instruments and methods, where efforts have been made to identify the most frequent and prominent tools found in each individual Member State. It was beyond the scope of the present short-term study to review all the methods cited in any detail, or to report exhaustively as to how they are being practiced across the Member States. Moreover, for many countries it has proved difficult to find information, especially concerning the coverage of EU issues. The *fiches* summarise the information which has been found, taking into account the relevant regulatory frameworks at various levels of government, best practices recorded through official sources, academic literature and civil society actors. Where applicable, the *fiches* bring attention to cases where direct and

⁷ Opinion of the Committee of the Regions on the EU Citizenship Report 2010, CdR 355/2010, points 25, 32.

participatory democracy instruments have been used in relation to EU matters, especially at local and regional level.

Section Three offers some conclusions. It summarises a few cases which illustrate successful involvement of citizens at local and regional level. It highlights the diversity of experiences across the EU, as well as the fact that what superficially appear to be the same methods may have quite different significance in different contexts, and signals some of the limitations which exist.

It argues that the main contributions of local and regional democratic participation to EU citizenship and democracy are not to be found in simple linkages between direct discussion of issues at the different levels. The most effective contributions are likely to be of a more indirect nature in two senses, and in both respects LRAs have a very important role to play.

On the one hand, local and regional participation in discussion of particular issues can help to strengthen multilevel representative structures. On the other hand, local and regional participation can be seen as a “school of citizenship” in more general terms, which can then serve as a basis for building up awareness of the European dimensions of local concerns, and eventually also of EU citizenship.

Finally, it offers recommendations as what can be done by LRAs and by European actors to promote this process, as well as proposing that all actors should embrace the possibility of interaction with the structures of representative democracy, in particular the consolidation of multilevel political parties.

1. Direct Democracy, Participatory Democracy and EU Citizenship

At a general level, “direct democracy” and “participatory democracy” can reasonably be grouped together as one of two basic types of democracy, in contrast to liberal or representative democracy. The common denominator is that citizens are directly involved on an individual basis in decision-making about public affairs, rather than acting through intermediaries.⁸

There are important differences between the approaches involved, however. It is not the same thing for citizens to be able to take decisions themselves through deliberation and, if necessary, majority voting, as it is for them to be simply consulted, in the sense that their views are taken into account, but without any obligation on the part of the decision-making authority.

Although these two practices can well be seen as opposite ends of a spectrum of citizen involvement in public decision-making, as discussed below, the present study will make a basic distinction between methods of “direct” and “participatory” democracy. The dividing line is whether or not all citizens are entitled (and expected) to express their individual preference on a particular decision, and in a way which significantly shapes the immediate outcome.

1.1 Direct democracy and citizen empowerment

“Direct democracy” has traditionally been associated with the “Athenian” model: all citizens personally participate in the Assembly; issues are the subject of open deliberation; if consensus proves impossible, a decision is taken by majority vote; the decision is then binding on all citizens.

This kind of face-to-face collective decision-making can by definition only take place in relatively small communities. Such meetings do take place at local level in many countries as “citizens’ assemblies”,⁹ but the degree to which citizens are in practice empowered to take decisions, as well as the scope of the issues involved, vary considerably.

Direct democracy in this sense today primarily means popular voting on specific issues, necessarily without much collective deliberation, especially if this takes place by electronic means.

⁸ See Held, D. (2006), *Models of Democracy*, Cambridge: Polity Press.

⁹ These are known in North America as “New England Town Meetings” or “21st Century Town Meetings”.

Various categorisations of such mechanisms are in use. The International Institute for Democracy and Electoral Assistance (International IDEA), for example, proposes four categories:¹⁰

- “referendum”: popular vote on issues brought by authorities and/or citizens;
- “citizens’ initiative”: popular vote on an issue brought by citizens;
- “agenda initiative”: popular request to place issue on agenda but no vote;
- “recall vote”: popular vote to end the term in office of elected officials.

This categorisation, however, does not readily distinguish between citizens’ initiatives and referendums on issues brought by citizens. Moreover, others insist on making a fundamental differentiation between popular vote procedures which are triggered and controlled exclusively by the authorities, which are not considered a referendum but a “plebiscite”. Indeed some do not even consider plebiscites to be a form of direct democracy: “Direct democracy empowers the citizens; plebiscites are tools for the exercise of power by those in power.”¹¹

A related point is to distinguish between the concerns of the majority and of minorities. A “plebiscite” is a means to demonstrate mass support for the position of the political majority. “Direct democracy by minority action” permits a minority of qualified voters or members of parliament can bring an issue before the electorate against the will of the political majority.¹²

For the purposes of the present study, we propose three simple categories:

- **referendums: popular votes on issues**
- **initiatives: popular requests for issues to be dealt with by decision-makers**
- **recall votes: popular votes to remove persons from office**

¹⁰ International IDEA (International Institute for Democracy and Electoral Assistance) (2008), *Direct Democracy. The International IDEA Handbook*. Stockholm: International IDEA, p.10.

¹¹ Kaufmann, B., Büchi, R. and Braun, N. (2010), *The IRI Guidebook to Direct Democracy*. Marburg, Initiative & Referendum Institute Europe, pp.201, 9.

¹² Moeckli, S. (2007) ‘Direct democracy and political participation from a cross-national perspective’. In: Zittel, T. and Fuchs, D. *Participatory Democracy and Political Participation. Can participatory engineering bring citizens back in?* London and New York: Routledge, pp. 107-124.

Within these categories, numerous variables exist, notably:

- automaticity or optionality of the procedure;
- source of the proposal;
- conditions for eligibility (threshold and/or turnout);
- binding or advisory effect.

1.2 Participatory Democracy

The kinds of direct democracy based on universal voting indicated above, may be distinguished from other forms of participation on an individual basis.

There is no single, universally-recognised conceptualisation of participatory methods, nor of their expected impact in terms of actual citizen involvement. The terms can indeed be confusing. In some cases, the term “participation” is used to refer to one specific level of citizen involvement, whereas in others it is used to refer to all forms of citizen involvement, which are then sub-divided in other ways. This is illustrated in Table 1, which contrasts how different organisations have conceptualised the spectrum of citizen involvement.

Despite the differences, however, there is a general consensus as to the utility of a loose spectrum ranging from methods which provide for direct citizen influence over decisions, at one extreme, and those which have as their objective purely giving and/or gathering information, at the other extreme, with various forms of “consultation” in the middle.

A great many specific methods have been developed. By way of example, the quite different listings given in two recent guides are contrasted in Table 2. Neither of these, moreover, include some other methods which have received attention, such as participatory budgeting.

Definitions of some of the main methods are given in Table 3.

Table 1
Conceptualizing Spectrums of Citizen Involvement / Public Impact

<i>Level</i>	<i>OECD</i>	<i>Involve</i>	<i>Council of Europe</i>	<i>IAPP</i>
<i>Strongest</i>		<p>Direct decision-making Participants themselves are able to take decisions.</p>	<p>Empowerment Transferring control over decision-making, resources and activities from the local authority to other stakeholders.</p> <p>Joint decision-making</p>	<p>Empower Place final decision-making authority in the hands of citizens.</p>
	<p>Participation a relation based on partnership with government, in which citizens actively engage in defining the process and content of policy-making. It acknowledges equal standing for citizens in setting the agenda, proposing policy options and shaping the policy dialogue – although the responsibility for the final decision or</p>		<p>Collaboration Joint activities in which citizens or different interest groups are invited to be involved. Collaboration moves beyond collecting feedback to involving citizens and community organizations in problem-solving, policy design, monitoring and evaluation. This does not include and delegation of decision-making power.</p>	<p>Collaborate Partner with the public in each aspect of the decision including development of alternatives and identification of the preferred solution.</p> <p>Engage Work directly with the public through-out the process to ensure that public concerns are</p>

<i>Level</i>	<i>OECD</i>	<i>Involve</i>	<i>Council of Europe</i>	<i>IAPP</i>
	policy formulation rests with government.			understood and considered
	Consultation a two-way relationship in which citizens provide feedback. Governments define the issues, set the questions and manage the process; citizens contribute their views and opinions.	Consultation Participants are able to contribute their views but cannot make decisions.	Consultation Sharing information and gathering feedback and reaction (helps establish two-way information flows and an exchange of views).	Consult Obtain public feedback on analysis, alternatives, and/or decisions.
Weakest	Information a one-way relationship in which government produces and delivers information for use by citizens.	Information understand people's interests and priorities or to raise awareness of issues.	Information keep people informed, provide transparency, and build legitimacy (one-way flow).	Inform Provide the public with balanced and objective information.

Sources:

- OECD (Organisation for Economic Co-operation and Development) (2001), *Citizens as Partners. Information, Consultation and Public Participation in Policy-Making*. Paris: OECD.
- Involve (2005), *People and Participation. How to put citizens at the heart of decision-making*. London.
- Council of Europe (2005), *Toolkit of Local Government Capacity-Building Programmes*.
- IAPP (International Association for Public Participation) (2006), *Spectrum of Public Participation*.

Table 2
Alternative Listings of Participatory Methods: Two Examples
 (alphabetical order)

<i>Involve 2005</i>	<i>Elliott et al 2005</i>
	21 st Century Town Meeting
Appreciative Inquiry	
	Charrette
Citizens' Juries	Citizens' Jury
Citizens' Panels	
Community Empowerment Networks (Local Strategic Partnerships)	
Consensus Building / Dialogue	
Consensus Conference	Consensus Conference
Deliberative Mapping	
Deliberative Polling	Deliberative Polling
	Delphi
Democs ('Deliberative Meetings of Citizens')	
Electronic Processes	
	Expert Panel
	Focus Group
Future Search	
Open Space Technology	
Participatory Appraisal	
	Participatory Assessment, Monitoring and Evaluation (PAME)
Participatory Strategic Planning	
	Planning Cell
Planning for Real	
	Scenario-Building Exercise
	Technology Festival
User Panels	
	The World Cafe

Sources:

-Involve (2005), *op. cit.*

-Elliott, J., Heesterbeek, S., Lukensmeyer, C.J and Slocum, N. (2005), *Participatory Methods Toolkit. A practitioner's manual*. (King Baudouin Foundation and Flemish Institute for Science and Technology Assessment, at www.kbs-frb.be or www.viWTA.be).

Table 3
Participatory Methods: Some Examples

Charrette	An intensive face-to-face process designed to bring people from various sub-groups of society into consensus within a short period of time. The pre-Charrette planning breaks the main issue into component parts, to which sub-groups of people are assigned. The sub-groups periodically report back to the whole group and feedback from the whole is then addressed in the next round of sub-group discussions. This sequence is repeated until consensus is reached at the final deadline for a report. Charrettes vary in size, from 50 to over 1000 people, and in time, from four days to two weeks.
Citizens' jury	A means for obtaining informed citizen input into policy decisions. The jury is composed of 12-24 randomly selected citizens, who are informed by several perspectives, often by experts referred to as 'witnesses'. The jurors then go through a process of deliberation and sub-groups are often formed to focus on different aspects of the issue. Finally, the jurors produce a decision or provide recommendations in the form of a citizens' report. The sponsoring body (e.g. government department, local authority) is required to respond to the report either by acting on it or by explaining why it disagrees with it.
Consensus conference	A public enquiry centred around a group of 10 to 30 citizens who are charged with the assessment of a socially controversial topic. These laypeople put their questions and concerns to a panel of experts, assess the experts' answers and then negotiate among themselves. The result is a consensus statement that is made public in the form of a written report directed at parliamentarians, policy makers and the general public that expresses their expectations, concerns and recommendations at the end of the conference. The goal is to broaden the debate on a given issue and include the viewpoints of non-experts in order to inform policy-making. In addition, the Danish model emphasises the goal of arriving at a consensus opinion, whereas others say that this is not necessary. Consensus conferences usually have a 3-day intensive programme that is open to the public.

21st century town meeting	A forum that links technology with small-group, face-to-face dialogue to engage thousands of people at a time (up to 5000 per meeting) in deliberation about complex public policy issues. Through a combination of keypad polling, groupware computers, large screen projection, teleconferencing and other technologies, 21st Century Town Meetings enable participants to simultaneously participate in intimate discussions and contribute to the collective wisdom of a very large group. A 21st Century Town Meeting is more than a single event: it is an integrated process of citizen, stakeholder and decision-maker engagement that produces recommendations on public policy in time frames that align with governance cycles and the demands of the media.
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Source: Elliott et al (2005) *op. cit.*

1.3 EU Democratic Principles and EU Citizenship

1.3.1 Democratic Principles of the EU

The relationship between different forms of democratic participation as stated in the post-Lisbon Treaty on European Union (TEU) is not clear. Article 10 proclaims that “The functioning of the Union shall be founded on representative democracy”: direct representation of citizens in the European Parliament, and indirect representation through the democratic accountability of the Member States’ governments which meet in the European Council and Council. The right of every citizen “to participate in the democratic life of the Union” is listed in third place in the same article. This does not seem to suggest direct democracy, however, so much as the active involvement of citizens in multilevel representative democracy – indeed the fourth paragraph continues by stressing that “Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union.”

The term “participatory democracy”, which had been recognised in the Constitutional Treaty as a second principle underlying the EU’s democratic life, does not figure in the post-Lisbon TEU. The same four elements are listed in the corresponding article (now Article 11): namely that “citizens and representative associations” are to have the opportunity to make their views known; the institutions shall maintain an open, transparent and regular dialogue with “representative associations and civil society”; the European Commission is to carry out broad consultations with “parties concerned”; and the European citizens’ initiative.¹³

It is clear that European citizens’ initiatives (ECIs) should not be allowed to become hidden instruments of political party interests any more than of economic interests. However, interaction between the ECI and political parties has not been blocked. The preamble of the ECI Regulation states that “Entities, notably organizations which under the Treaties contribute to forming European political awareness and to expressing the will of citizens of the Union should be able to promote a citizens’ initiative [*i.e. political parties at European level*], provided that they do so with full transparency.”

Citizen participation is thus presented – appropriately - as straddling representative and other forms of democracy in the EU context. Just as EU

¹³ The Constitutional Treaty included the heading of “Representative Democracy” for Article I-46 and that of “Participatory Democracy” for Article I-47. Both headings have disappeared. The European Social Dialogue, which figured in the CT as Article I-48, and thereby seemed to be granted an almost equivalent weight, now only appears in the section on Social Policy in the TFEU.

citizenship is not separate from national citizenship but forms part of a multi-level and composite whole, democratic participation in the EU should not be seen as involving choice (far less conflict) between different structures and channels. Perceptions of EU citizenship and European identity will best be promoted through positive interaction between the different *forms*, and indeed between the different *levels*, of democratic participation which take place at local, regional, national and EU level.

1.3.2 Direct Democracy and the EU

The ECI does not bring “direct democracy” to EU decision-making, at least not if this is understood as the possibility for all citizens with political rights in a system to vote on an issue in a way which will then become binding upon them.

Indeed, direct democracy at an EU-wide level raises issues which go beyond the obvious issue of scale, and concern the very bases of democratic legitimacy. The very idea of direct democracy through binding EU-wide votes poses some fundamental questions. The legitimacy of authoritative decision-making by simple majority depends on the existence of a simple “demos”- a set of people who not only share a common identity, but also feel no need for any arrangement for minority representation in addition to their equality as citizens. The potential legitimating function of a “demos” is usually stretched across different levels (local, regional, state, European) and different natures (territorial, ideological, cultural/religious). In the EU, this differentiated sense of identity is strong. It cannot be assumed that the ideal democratic form of decision-making would even in theory be a direct manifestation of the majority preference of the individual citizens of the EU. On the contrary, decision-making on the basis of an aggregation of preferences by simple majority rule in the EU would be illegitimate, and alarming in the eyes of smaller Member States and minorities.

The EU system has therefore tended to give priority to minority protection rather than majority rule. The citizens of smaller Member States have been deliberately over-represented in the European Parliament, as have small Member States as such in the arrangements for qualified majority voting. The EU has also had to try to balance representative democracy and interest aggregation through bargaining, on the one hand, with more participatory forms of policy-making, understood traditionally as Commission consultation of interest groups as well as national administrations, and more “deliberative” forms of democracy, on the other.

One might add that the exercise of direct democracy at *national* level over major EU decisions (notably, but not necessarily, treaty changes) also raises problems. If one compares the EU with other “compound polities” in the world, the issue is

clear. Both the US and the Swiss models can be seen as structurally stable in this respect. Switzerland is “vertically integrated” in the sense that all the sub-units are required to vote on federal issues. In the US, there is “horizontal fragmentation” across the sub-units on sub-unit issues (that is referendums are held in some states on state-level issues) but institutional disequilibria are avoided by the fact that the states are prohibited from undertaking referendums on federal issues. The EU, on the other hand, is characterised by horizontal fragmentation across the sub-units on EU issues. Some Member States hold EU-related referendums and can (so long as unanimity is the rule) exercise a binding influence over changes in EU basic rules, while others do not. This does not appear to be sustainable.¹⁴

These cautionary observations are not meant to suggest that there can never be any sort of “demos” for the European Union, but do suggest the need for care in how the issue is approached. First, on what is a “demos” based? There is no such thing as “a European people” on purely ethnic lines - and any such association would be considered contrary to EU values. If an “*EU demos*” could be posited based on the sharing of common values, as opposed to common ethnic/cultural/social attributes, then how can one identify values which are distinct (for example, as compared to UN values) without being exclusionary? (It has been suggested that it would be more appropriate to think of the EU as a “*demoi-cracy*” more than a democracy.¹⁵) In all events, it has to be seen as multi-level and composite, rather than unitary and simple.

The CoR itself has likewise emphasised recently “that, in the new multicultural context, citizenship must no longer be seen merely in terms of protecting identity and belonging, but as a point of integration and social inclusion”.¹⁶ Many would agree that one should in fact talk of “Europe’s identities” in the plural.¹⁷

Second, what is the assumed relationship of conditionality between underlying perceptions of some sort of “demos” and the establishment of common rules? There is an important difference between arguments in favour of a necessary *prior existence* of such a “demos”, on the one hand, compared to the possible *coming into being* of such a “demos”, precisely as a result of the integration process, on the other. The sense of “belonging” needs to be created in practice.

¹⁴ Méndez, F., Méndez, M. and Triga, V. (2008), ‘Dilemmas of Direct Democracy: The European Union from Comparative Perspective’. *C2D Working Paper Series 30/2008*, Centre for Research on Direct Democracy.

¹⁵ Besson, S. (2006) ‘Deliberative *demoi-cracy* in the European Union: Towards the Deterritorialization of Democracy’. In Besson S. and Marti, J.L (eds), *Deliberative Democracy and its Discontents: National and Post-National Challenges*. Aldershot: Ashgate, pp.181-214.

¹⁶ *Opinion of the Committee of the Regions on the EU Citizenship Report 2010*, CdR 355/2010, point 31.

¹⁷ See the discussions in Checkel, J. and Katzenstein, P. (2009), *European Identity*. Cambridge University Press.

1.3.3 Citizenship of the EU

The formal status of citizenship of the EU, which has existed since the Maastricht Treaty, comes automatically with nationality of a Member State. Following the Lisbon Treaty, it is said to be “additional to” (rather than to “complement”, as before), and does not replace, national citizenship.

EU citizenship is established in Part Two of the Treaty on the Functioning of the EU (TFEU). The specific rights involved are specified in Articles 20-25 as the rights:

- to move and reside freely within the territory of the Member States;
- to vote and stand as candidates in elections to the European Parliament and in municipal elections in their Member States of residence;
- to enjoy protection by diplomatic and consular authorities of any other Member State in a third country in which the Member State of which they are nationals is not represented;
- to participate in European citizens’ initiatives, to petition the European Parliament and to apply to the Ombudsman.

In legal terms, the notion of EU citizenship has predominantly been associated in the past with individuals’ rights to free movement and equal treatment, rather than having a distinct political dimension in its own right. Indeed this linkage has been formally strengthened by the Lisbon Treaty: the TFEU provisions come under the heading of “Non-discrimination and citizenship of the Union”, and are preceded by the two articles on the principle of non-discrimination, whereas Part Two of the Treaty establishing the European Community was uniquely dedicated to citizenship.

At the same time, there have long been parallel efforts to promote citizenship in political and subjective terms, not only to reinforce the democratic legitimacy of the EU and its actions, but also to promote the consolidation of the EU as a *sui generis* political entity and international actor. In both respects, citizenship is more about identity than about formal treaty provisions – it requires a sense of “belonging” (and indeed of duties) as much as the exercise of rights.¹⁸

¹⁸ Wiener, A. (1999), ‘The constructive potential of citizenship: building European Union’, *Policy & Politics*, 27(3), 271-294; Wiener, A. and Della Sala, V. (1997), ‘Constitution-making and Citizenship Practice – Bridging the Democracy Gap in the EU?’, *Journal of Common Market Studies*, 35(4), 595-614.

A first point to emphasise for present purposes is that EU citizenship should not be approached in isolation, nor in any unitary way. There is no 'zero-sum' game between EU and national citizenship, while in many countries people also feel an allegiance to sub-state entities, quite apart from non-territorial senses of identity. Citizenship in Europe today is thus “both multilevel and composite in character”,¹⁹ much closer to the forms of “tiered, nested citizenship” known in federal systems than to the experience of unitary states.²⁰

Just as EU citizenship is “additional” to national citizenship, so European identity will represent only one level, or dimension of individual identity. However, unlike formal EU citizenship, subjective European identity does not come automatically, if at all, on top of national identity. It needs to be created in practice through repeated processes of transnational interaction, political debate and participation in common structures.

Indeed, the best image may not in fact be one which is implicitly hierarchical (an “onion”, or “Russian Matryoshka” model), in which a separate level of identity is “added” on top of national and regional/local identity. It may rather be a “marble cake” model, in which “identity components blend into each other and are intertwined”. The process is more one of “Europeanisation of citizens’ identities”, meaning that “Europe and the EU are integrated into core understandings of one’s national (or other) sense of belonging”.²¹

¹⁹Shaw, J. (2011), ‘Citizenship: Contrasting Dynamics at the Interface of Integration and Constitutionalism’. In: Craig, P. and de Búrca, G. (eds.), *The Evolution of EU Law. Second Edition*. Oxford University Press, pp. 575-609.

²⁰Schönberger, C. (2007) ‘European Citizenship as Federal Citizenship: Some Citizenship Lessons of Comparative Federalism’. *Revue Européenne de Droit Public* 19, 61-81.

²¹Risse, T. (2010), *A Community of Europeans? Transnational Identities and Public Spheres*. New York: Cornell University Press, p.45.

1.4 Methodology

The key question addressed in the present study is how practices of direct and participatory democracy in the EU Member States can help forge EU citizenship and identity.

In the light of the clarification of terms and concepts given above, the study first gives an overview of the present situation of such practices in the EU. Section Two provides an indicative *fiche* for each EU Member State, which outlines the mechanisms which exist at all levels of governance. These are divided into two sections. The first looks at instruments of direct democracy as defined above (referendums, initiatives, recall votes), and the second at instruments and methods of participatory democracy.

Efforts have been made to identify the most frequent and prominent tools found in each Member State. However, it was beyond the scope of the present short-term study to review all the methods cited in any detail, or to report exhaustively as to how they are being practiced across the Member States. Moreover, for many countries it has proved difficult to find information, especially concerning the coverage of EU issues. The *fiches* summarise the information which has been found, taking into account the relevant regulatory frameworks at various levels of government, best practices recorded through official sources, academic literature and civil society actors. Where applicable, the *fiches* bring attention to cases where direct and participatory democracy instruments have been used in relation to EU matters, especially at local and regional level.

This is followed by a critical comparison between the methods. Section Three begins by asking whether it is possible to identify successful cases of active citizen involvement which could be taken as good practices of relevance elsewhere, as well as considering common challenges which confront local and regional authorities, and which may also serve as the basis for mutual learning.

It then considers different ways in which such practices may help to forge EU identity and citizenship. It suggests a basic distinction between direct links, which focus on how specific substantive issues can both be of local/regional concern and also be related to EU-level deliberation and decision-making; and more indirect links, which focus more on processes of increasing participation, which can be progressively permeated by European dimensions.

On this basis, the study offers a number of recommendations.

2. Direct and Participatory Democracy in the Member States: An Overview

2.1 Austria

2.1.1 Direct Democracy

Referendums

Referendums (*Volksabstimmungen*) are frequently used instruments of direct democracy in Austria. They take place at national as well as on sub-state level. They are always binding. At all levels, they take place on the basis of a decision by the authorities, and may be inspired by citizens' initiatives.²²

So far two federal-level referendums have been held (construction of an atomic power plant and accession to the EU), and a referendum on adoption of the Constitutional Treaty was planned for 2006. At *Länder* level there have been six referendums, while 16 took place at local level across the country.

Citizens' consultations, or consultative referendums (*Volksbefragung*) are often organised at the local level, and sometimes at the *Länder* level.

Initiatives

Citizens' / Agenda Initiatives (*Volksbegehren*) are also frequently used. Overall, the thresholds for admissibility of citizens' initiatives are low, which makes them an instrument allowing greater political influence to minorities.

Subject to sufficient popular support (100 000 on federal level; on *Länder* level, between 6000 in Burgenland and 57 106 in Vienna) the legislator is obliged to hold a vote on the proposal, with the right to amend it, but is not bound to adopt it. To date 32 citizens' initiatives have taken place at federal level, and five at sub-state level.

²² Fallend, F. (2010) 'Austria: From Consensus to Competition and Participation?' in: Loughlin, J., Hendricks, F. and Lindström, A. (eds.), *Local and regional democracy in Europe*. Oxford University Press, pp. 173-195, at p.185.

2.1.2 Participatory Democracy

Non-binding **citizens' consultations** or consultative referenda (*Volksbefragung*) take place at *Länder* and local level on the initiative of the authorities. Since 1945 there have been 16 such consultations in various *Länder*, and 104 consultations in communes. Austrian authorities and NGOs make ample use of consultation instruments, especially at local and *Länder* level. All forms recommended by OECD and Council of Europe are exploited, depending on the target group and specificity of the subject. For various policy areas, e.g. environment or education, consultations and debates are coordinated by an umbrella NGO or an agency, such as the following:

- *Partizipation und nachhaltige Entwicklung in Europa* is a platform coordinating events and consultation projects across Austria taking place at all levels, and concerning sustainability and local environmental management. Most of the actions were a consequence of the adoption of the Århus convention in 2007. The website reports roughly 80 various consultation projects at all levels, comprising various target groups and in different forms.²³
- Similarly, as a corollary of the Århus convention various federal and *Länder* ministries, as well as federal and sub-national agencies involved in the formulation and implementation of environment policies, or other policies where also the environmental aspects are salient (e.g. Austrian Industry Platform: make use of consultation instruments and ask broader public, or the directly affected population, for opinion.²⁴
- Land Vorarlberg is a pioneer in establishing citizens' councils and involving population in policy-making and planning, especially at local level (see point 3.1 for more details).²⁵ Citizens' councils are involved in planning and allocation of resources according to the method of "dynamic facilitation".

Local and regional participatory methods have touched on EU-related issues. Since 2007 the representative office of the EP in Vienna has been supporting citizens' fora held across Austria at local and *Länder* level. Austrian Members of the European Parliament (MEPs) and local politicians engage in an open debate with the population about the currently salient EU-related topics and the future of Europe.²⁶ Environment and renewable energy are areas where there

²³ <http://www.partizipation.at/praxisb-nach-methode.html>.

²⁴ https://www.usp.gv.at/Portal.Node/usp/secure/content/umwelt_und_verkehr/effentlichkeitsbeteiligung_umwelt_bereich/41451.html).

²⁵ <http://www.vorarlberg.gv.at/pdf/informations-undarbeitsma.pdf>.

²⁶ http://www.europarl.at/view/de/AKTUELLES/citizens_forum.html;jsessionid=36C7266DFC9235D0942BAA7A3A399CE4.

seems to be a particular density of consultation practices. European directives and their transformation are often subject to citizens' consultations, for example, the Water Framework Directive.²⁷ The European yearly programmes, such as the European Year of Voluntary Involvement in 2011 or the European Year against Poverty and Social Exclusion, receive support from the *Länder* and local authorities, with a view to encouraging more active contributions to the objectives of these EU projects at local and *Länder* level.²⁸

²⁷ http://portal.wko.at/wk/format_detail.wk?AngID=1&StID=272726&DstID=0.

²⁸ http://www.bmsk.gv.at/cms/site/attachments/3/3/5/CH0023/CMS1295950232257/110120_ziele_vorhaben_ejf2011.pdf.

2.2 Belgium

2.2.1 Direct Democracy

Referendums

At state level a referendum has only once been organised. The referendum was held on whether King Leopold III would be permitted to return to Belgium. Since Flanders and Wallonia voted largely differently on this issue, national referendums are considered to be too sensitive to be conducted again. The Belgian Constitution thus does not foresee the possibility of a referendum. A referendum may only be held at local and provincial levels. In both cases there is non-compulsory participation.

The region of Flanders allows non-binding referendums at local and provincial levels. The referendum at local level requires a turnout of at least 10 -20 per cent depending on the size of the municipality. The minimum age is 16 years. The referendum at local and regional level can be initiated by the municipality council or by its population. At provincial level, an initiative for a referendum can be presented by the provincial council or by the population of the province. In the later case, 10 per cent of the population of that province have to support such an initiative. A minimum age of 16 years is required to participate in the ballot.²⁹ Referendums may be held on all issues for which there is competence except for issues relating to individuals, taxation, budgets, local service charges (“retributie”) and multiannual planning. Flanders has already organised several referendums at local levels such as Ghent (underground parking), Mechelen (method of refuse removal), Antwerp (on the ‘Oosterweelverbinding’) and Sint-Niklaas (underground parking).

For Wallonia, the referendum at local level is non-binding in nature and can be held on all local issues except for taxes, local budgets, immigration and personal issues.³⁰ Citizens older than 16 years are permitted to participate. A turnout of 10-20 per cent is a minimum requirement for the referendum to be valid. Also at provincial level it is possible to initiate a referendum. This can both be initiated by the provincial council or a specific amount of its population.³¹ Referendums may be held on all issues for which there is competence except those relating to

²⁹ Provinciedecreet (9 december 2005) & Besluit van de Vlaamse Regering houdende vaststelling van de nadere procedureregels voor de organisatie van een provinciale volksraadpleging (05.06.2009).

³⁰ Pilet, J-B., Verlet, D., Heyerick, A., Delwit and Block, T. (2007), ‘Participatory Democracy in Belgium: Between the Politician’s Mistrust and Citizen Apathy’. In: Delwit, P., Pilet, J-B., Reynaert, H. and Steyvers, K. (eds.), *Towards DIY-Politics. Participatory and Direct Democracy at the Local Level in Europe*. Brugge: Vanden Broele, pp. 191-212, at p. 198.

³¹ <http://www.publiek-politiek.nl/Info-over-politiek/Europa/Kiesstelsels/Belgie#referendum>.

individuals, taxation, budgets, local service charges (“rétributions provinciales”) and multi-annual planning.

Between 1995 and 2005, 24 referendums were held, of which 13 were in Wallonia and 11 in Flanders. However, the turnout has been relatively low³² and there were some complaints about the high costs involved in holding referendums.³³ At community level there is no possibility for holding a referendum.³⁴

The topics for referendums in Belgium have so far been limited to non-European issues. The main focus was on transport, domestic waste problems, environmental topics, etc. There was an attempt to hold a national referendum on the ratification of the European Constitution.

Initiatives

Flanders introduced the citizens' initiative at municipality level in 2006. An initiative has to be supported by two per cent of the municipality population if the population is less than 15 000, 300 people if the population is between 15 000 and 30 000, or one per cent, if the population is more than 30 000. The minimum age to participate is fixed at 16 years. Furthermore, such initiatives are limited to municipal policy and services.³⁵ In a first evaluation held about half a year after the introduction of the instrument, it appears to be relatively successful as the instrument has already been used in ten per cent of municipalities. In total about 14 per cent of all the proposals submitted were citizen's initiatives.³⁶ Also at provincial level there is the possibility for a citizen's initiative. The threshold for such an initiative is one per cent of the provincial population with a minimum age of 16 years. The proposed initiative has to be limited to the competences of the provincial council.³⁷

2.2.2 Participatory Democracy

In 2003, two **citizens' juries** (or citizens' panels) were installed at municipal level as a trial. They were situated in both a Flemish town (Beernem) and a Walloon town (Gembloux). Each panel was to discuss genetically modified organisms. The juries consisted of 10-15 members. Prior knowledge on the topic was not needed, as experts would be at their sides to assist them in getting into the topic. The recommendation produced by the citizens' juries would be

³² Pilet *et al op. cit.*, p.205.

³³ <http://www.gva.be/dossiers/oosterweel/organisatie-referendum-kost-stad-antwerpen-800-000-euro.aspx>.

³⁴ http://www.brussel.irisnet.be/nl/citoyens/home/participation_a_la_vie_publique/plaintes/referendum.shtml.

³⁵ Art 200 and Art 200bis gemeentedecreet.

³⁶ Het gemeentedecreet: een eerste stand van zaken (Rapport) p.78.

³⁷ Chapter II bis, Provinciedecreet, Art 193bis.

presented to the municipal and regional authorities. However, the Walloon authorities (both local and regional) chose not to receive the recommendation.³⁸

In 2006, the Walloon region took part in the European Citizens' Panel project on the future of Europe. 37 citizens were selected at random to discuss the rural areas in Europe. In a hearing, they presented their report to the Walloon parliament. The parliament followed up on it and distributed the paper to the political entities for further deliberation.³⁹ However, it appears that this body is no longer in use.

There have been several **town meetings** organised in Flanders on a trial basis. An example was the city of Ghent where a meeting was organised for several hundred people. However, the meeting has only taken part once and was considered to be too technocratic and too little interaction. Another example was the town meeting organised by the city of Turnhout about its main market.⁴⁰ From the evidence available, Wallonia does not organise town meetings.

The first **participatory budgeting** system was introduced in Belgium in 2003 in Jemappes-Flénu which is part of the city of Mons in Wallonia. Flanders has even introduced it into its legislation,⁴¹ allowing for part of the municipal budget to be delegated to area committees or citizens' initiatives. Several municipalities in Flanders have already adopted participatory budgeting mechanisms (e.g. Sint-Niklaas, Ghent, Mechelen, Kortrijk, Leuven, Genk, Antwerp).⁴²

At local level, both Wallonia and Flanders provide for 'Advisory Bodies'. They are meant to involve citizens and stakeholders. Usually they are bound to various topics and have as a purpose to stimulate debate. They produce recommendations for the municipal authorities. Examples are youth councils and culture councils.⁴³ Examples can be found in numerous cities. This is also possible at provincial level.

³⁸ http://www.fgf.be/UserFiles/File/stg_panel_ggo.pdf.

³⁹ http://www.citizenspanel.eu/images/partners_docs/2007-03-19_ecp_be_rapport_citoyens.pdf;
http://www.citizenspanel.eu/index.php?option=com_content&task=view&id=37&Itemid=69.

⁴⁰ <http://www.kenniscentrumvlaamsesteden.be/samenwerken/participatie/interessante%20participatietrajecten/Idde%20C3%ABnwedstrijd%20en%20stadsdebat/Documents/IS3%20eindrapport%20procesbegeleiding.pdf>.

⁴¹ Provinciedecreet Art. 159.

⁴² [http://www.kenniscentrumvlaamsesteden.be/samenwerken/gebiedsgericht/Pages/Inactiemetburgers%E2%80%99workshopwijkbudgetten\(29april2010\).aspx](http://www.kenniscentrumvlaamsesteden.be/samenwerken/gebiedsgericht/Pages/Inactiemetburgers%E2%80%99workshopwijkbudgetten(29april2010).aspx).

⁴³ Art 200 Gemeentedecreet; <http://www.adviesraden.be/ADVIES-decreet-alg-GD.pdf>.

2.3 Bulgaria

2.3.1 Direct Democracy

Referendums

The Bulgarian Constitution provides for direct democracy without specifying its forms.⁴⁴ The Law for Direct Participation of the Citizens in the State Power and in the Local Self-Government, adopted in 2009, introduced specific provisions for holding referendums, citizens' initiatives and popular assemblies.

National referendums can be held on issues within the competence of the National Assembly, with the exclusion of budgetary issues, taxes and certain fundamental constitutional provisions. They can be called for by the National Assembly, or by a minimum of 500 000 citizens eligible to vote (the referendum initiative can also be presented if 200 000 signatures are collected, but in such case the referendum is optional). The ultimate decision on whether to hold a referendum lies with the National Assembly, which may decide not to do so, but must give reasons for its decision. Once the resolution to hold a referendum has been adopted by the Assembly, the outcome of the referendum shall be binding, if the conditions for validity are met. A national referendum is valid and binding if the electoral turnout is at least as high as during the last general parliamentary elections. The result is defined by the majority of votes cast.

Unlike most other Member States joining in 2004, Bulgaria did not hold a referendum on the country's accession to the EU. There would have been a possibility to do so, but no constitutional requirement. A national referendum is planned for an envisaged tax reform in 2013. The National Assembly is the gatekeeper for referendums and may use its powers to block initiatives coming from the opposite side of the political spectrum, or from the representatives of minorities.

At **regional and local levels**, referendums can be called by the administrative organs (the provincial governor, the mayor or at least one-fifth of the members of the local council) or by citizens themselves. Referendums can concern matters within the competences of the municipality, with exclusion of taxation and changing rules of procedure of the local council. A proposal to hold a referendum must be supported by at least five per cent of the population eligible to vote. In case the proposal is supported by at least ten per cent of the population the referendum is obligatory and cannot be refused by the local

⁴⁴ Article 2(2).

council. The result of a referendum is binding if the turnout has been not lower than in the last municipal elections.

According to some representatives of civil society organisations,⁴⁵ in practice local and regional referendums are rarely called, despite the existence of seemingly friendly formal provisions. Regional and local councils make active use of their gatekeeper rights and often block the popular vote despite sufficient popular support for the procedure to be launched.⁴⁶

Initiatives

National **citizens' initiatives** can be presented to the National Assembly or the central government following a constitutive meeting of at least 50 citizens eligible to vote. These 50 citizens take a decision on the content of the initiative and on the establishment of the initiative committee. Citizens' initiatives are agenda-setting instruments without binding power, however the government or the National Assembly are obliged to reply to the initiative committee.

Similar to the national level, **citizens' initiatives** can be presented to local council, mayors or to district governors by citizens' committees comprising at least 50 citizens. They are merely agenda-setting instruments and do not have a binding character.

2.3.2 Participatory Democracy

In addition to referendums and citizens' initiatives, the Law for Direct Participation of the Citizens in the State Power and in the Local Self-Government provides for **citizens' assemblies** at municipality level ("general meeting of the populace"). The Constitution further states, that in the execution of his/her office, the mayor should be guided *inter alia* by the "decisions of the populace".⁴⁷

Citizens' assemblies can be called for by the organs of the municipality, however they are only allowed in municipalities with up to 10 000 inhabitants. In municipalities with a population greater than 1000, the assemblies should be broken down according to electoral districts. Citizens can propose convening an assembly by presenting initiatives to the local administrative organs. Such initiatives must be supported by at least five per cent of the population, but not

⁴⁵ Opinions expressed by representatives of grassroots organisations Balkan Assist: www.balkanassist.bg/en and Centre for Liberal Studies: www.cls-sofia.org/en.

⁴⁶ Novikova, P. (2010), 'Bulgaria: The Dawn of a New Era of Inclusive Subnational Democracy?' In: Loughlin *et al op. cit.* pp. 664-684, at pp.674-675.

⁴⁷ Article 138.

less than 20 people. Decisions of citizens' assemblies are binding when at least 25 per cent of the population eligible to vote participates (in municipalities with voting population under 150 people the threshold is 30 per cent). Decisions are taken by majority.

Local and regional authorities organise public hearings when EU-funded projects interfere with local and regional spatial development planning, but they usually have a consultative character.

2.4 Cyprus

2.4.1 Direct Democracy

Referendums

Cyprus has only limited mechanisms of direct democracy. There are no legal provisions to hold a referendum at **national** level. A national referendum has only been held once. This was on the 2004 Annan plan which aimed at reunifying Cyprus by creating a federation of two constituent states. The plan was voted down by the Greek Cypriots with 75.8 per cent of the votes.

It is possible to hold a referendum on **local** level. Yet, such a referendum only takes place on the formation of a new municipality/village. Such a referendum can take place if there are more than 5000 inhabitants in that area. If there are less than 5000 inhabitants the referendum can also take place but the Council of Ministers need to be convinced that such a municipality has the economic strength to function properly as a municipality/village. In such a case, the referendum is thus consultative. Also on the district level it is possible for a referendum to take place. Yet, also here a referendum does not take place on policy but on the municipality/village's desire to participate in a regional development council.⁴⁸

2.4.2 Participatory Democracy

The level of participatory democracy is very limited in Cyprus. Direct contacts between citizens and politicians are the main method through which political issues are influenced. Citizens are, however, able to participate in open meetings of the municipality council where there is the opportunity to inform themselves and ask questions to the councillors.

⁴⁸ International IDEA (2008) *op.cit.*, p. 204.

2.5 Czech Republic

2.5.1 Direct Democracy

Referendums

Article 2 of the Czech Constitution lays down that all power in the Czech Republic comes from the people and is exercised through the constitutional organs of the state. A statute may regulate conditions on which the people exercise their power directly. However, no such law permitting referendums at **national** level has been passed to date. Proposals were made by the social-democratic opposition party in 2007 and in 2010, and the latter was again rejected by the lower house in December 2010. The only national referendum which has taken place since 1992 has been on the basis of an *ad hoc* decision in 2003 of the Parliament and concerned the Czech Republic's accession to the EU.

Binding referendums are possible at **local and regional** levels. The Law on Local Elections and Referendums⁴⁹ was passed by the Czech parliament in 1992 and took effect in 1993. However, until 2000 no local referendum took place pursuant to that law.

In 2004 the law was substantially amended by enlarging the scope of issues eligible for referendums⁵⁰ but raising the thresholds for the triggering and the validity of the vote itself. Between 2000 and 2005, out of 113 local referendum campaigns, 81 led to a popular vote. At local level, between six per cent and 30 per cent of voting population (depending on the size of the municipality) are required to support the initiative, with a 50 per cent turnout mandatory for the validity, voting by simple majority. The official decision to call the referendum lies with the local council, and cases of local councils blocking the referendum on the grounds of wrong or missing legal basis have been frequent until 2000. The 2000 revision of the legal framework on local government remedied the situation by eliminating gaps in legal bases for calling referendums.⁵¹

⁴⁹ Between 1992 and 2000 the majority of local popular votes which took place concerned dividing or merging municipalities and communes, pursuant to provision of a 1990 Law on Municipalities. These local popular votes are not considered for the purposes of this study. The Law itself was substantially amended in 2004, with the aim of stopping the growing fragmentation of the country that was rendering municipalities dysfunctional. In consequence of these amendments numbers for this kind of popular votes plunged. See Smith, M. L. (2007) *Making Direct Democracy Work: Czech Local Referendums in Regional Comparison*. In: Delwit, P. *et al op. cit.* pp. 67-102, at pp. 84-91.

⁵⁰ Budgetary matters, taxes, amending municipal statutes and personal appointments / recalls may not be subject of a referendum, at any level.

⁵¹ Smith (2007) *op.cit.* p.90.

In 2010 a new statute introduced provisions for the exercise of direct democracy at regional level by means of regional referendum.⁵² The signatures of six per cent of the voting population are needed to initiate a referendum, with a 35 per cent threshold for validity and an absolute majority of votes cast to obtain a binding result.

Most local referendums dealt with issues of local development and environment.⁵³

Initiatives

The Czech Charter of Fundamental Rights⁵⁴ merely guarantees every citizen or group of citizens the right to petition; an executive statute regulating the procedure of petition was passed in 1990. Neither the Constitution, nor any subsequent statute provides for citizens' initiatives at national level; however, regional councils have the right to present bills to the Parliament.

At municipality level any citizen has the right to petition his/her local council. If a petition to discuss a certain matter is supported by 0.5 per cent of the population, the council is obliged to discuss the item within 60 days.

2.5.2 Participatory Democracy

Czech civil society is quite active and well organised in terms of numbers of NGOs and other third-sector organisations. According to the European Council of Associations of General Interest (CEDAG),⁵⁵ Czech civil society is represented by thousands of various civil society organisations, grouped in approximately 80 umbrella organizations spanning over virtually all sectors of interests within the society. At the same time Czech tradition reveals a particular distrust and reluctance towards direct and participatory democracy.

Most third-sector associations and citizens' movements aim at influencing the elected decision-makers and thus channelling their demands through the institutions of representative democracy, rather than trying to pursue their political goals outside, or as an alternative to, these institutions. Similarly, and despite the widespread recognition of the importance of civil involvement in the political process, neither the central government nor the regional level pursue a comprehensive policy encouraging civil society to actively participate in policy

⁵² Council of Europe (2010), 'Structure and operation with local and regional democracy: Czech Republic', p.5.

⁵³ Smith (2007) *op.cit.* pp. 92 and 96-97.

⁵⁴ http://www.concourt.cz/view/czech_charter.

⁵⁵ http://www.cedag-eu.org/index.php?page=czech-republic-2&hl=en_US.

formation. The culture of continuous dialogue between the population and the governors has yet to develop and settle.

Most successful campaigns organised by the representatives of the civil society at local level, which have eventually led to referendums have concerned issues relating to environment and development. Urban planning, reconstruction, location of a nuclear waste site and road construction have been the most frequent themes where NGOs generated popular interest and involvement with the goal of changing the direction of local authorities' policies.⁵⁶

At local and regional level the public debate and referendums concentrate on issues with local importance, mainly environment and development, but also schools and health care. The European aspect is present in most local policies by virtue of contributions from the European funds to these policies. The debates revolve mostly around distribution and local management of resources. Substantive discussion of EU policies is unlikely in this context.

Civil society is well organized, but NGOs and third-sector associations concentrate their efforts on information and civic education of the public in the context of representative democracy, rather than on promoting direct forms of political decision-making. Referendum and other co-determination campaigns and projects are tools to address particularly controversial decisions of LRAs. In the absence of a structured public policy of participation and consultation, the role of the civil society organizations is more that of a watchdog than of a partner, and becomes more prominent in situations of conflict than in day-to-day politics.

⁵⁶ Smith (2007) *op. cit.* pp.92-94.

2.6 Denmark

2.6.1 Direct Democracy

Referendums

National referendums are obligatory and binding for constitutional changes, the delegation of sovereign powers to international authorities set up by mutual agreement with other states for the promotion of international rules of law and cooperation, unless parliament approves the Bill by a five-sixths majority; and changes in voting age. Where a Bill has been passed by the parliament, one-third of the members may, within three working days, ask for the Bill to be subject to a referendum, except in specified cases.⁵⁷

Municipalities are free to conduct advisory **local** referendums but rarely do so. Between 1970 and 2001 only twenty were held, typically about placement of local institutions or roads, or amalgamations. The municipal reform in 2007 was preceded by a high number of advisory local referendums, many at the parish level. However, this was contingent on the special question of local amalgamations and not indicative of more intensive use of this instrument.⁵⁸

2.6.2 Participatory Democracy

Several other forms of direct participation are practiced. Councils can hold open meetings at which local authority affairs are explained, citizens may ask questions and make proposals or criticisms. Councils are obliged to inform the population about planning issues and options, and in various other ways. User participation is very common and special legislation contains provisions concerning the election of special committees or boards of users.⁵⁹

⁵⁷ Finance Bills, Supplementary Appropriation Bills, Provisional Appropriation Bills, Government Loan Bills, Civil Servants (Amendment) Bills, Salaries and Pensions Bills, Naturalisation Bills, Expropriation Bills, Taxation (Direct and Indirect) Bills, as well as Bills introduced for the purpose of discharging existing treaty obligations.

⁵⁸ Blom-Hansen, J. and Heeager, A. (2010), 'Denmark: Between Local Democracy and Implementing Agency'. In: Loughlin *et al op.cit.* pp. 221-240, at p.232.

⁵⁹ Council of Europe (2008), *Structure and operation of local and regional democracy: Denmark*.

2.7 Estonia

2.7.1 Direct Democracy

Referendums

The Estonian Constitution presents the referendum as the second of the two ways in which the people exercise their supreme power of state, after the election of the national parliament.⁶⁰ Referendums are mandatory for amendment of the general provisions of the constitution and for the process of constitutional amendment. Some matters are excluded.⁶¹ A referendum can be initiated by members, factions and committees of the *Riigikogu*. A distinction is made between a draft act and a decision on a national issue. For each there are different procedures.⁶² Referendums have been held on independence (1990), the constitution (1992) and accession to the EU (2003).

Initiatives

There are no provisions for citizen-initiated referendums at national or local level. The constitution provides only that: “The boundaries of local governments shall not be altered without considering the opinion of the local governments concerned.” (Article 158)

There are other types of citizens' initiative. Citizens, by just one percent of the electorate, can present draft bills and may contest decisions of local authorities. However, Estonian local authorities have relatively weak *direct* contacts with citizens. There is a more elitist pattern of council work and structure. Public forums and meetings with citizens are rare in the policy-making process (only 14.6 per cent of councils). On the other hand, the use of *e-communication* is relatively very high.⁶³

⁶⁰ Article 56.

⁶¹ Budget, taxation, financial obligations of the state, ratification and denunciation of international treaties, the declaration or termination of a state of emergency, or national defence (Section 106).

⁶² Riigikogu Rules of Procedure and Internal Rules Act chapter 14 http://www.riigikogu.ee/?rep_id=799356.

⁶³ Sootla, G. and Kattai, K. (2010), ‘Estonia: Challenges and Lessons of the Development of Local Autonomy’. In: Loughlin *et al op. cit.*, pp. 576-595, at p.589.

2.7.2 Participatory Democracy

Estonia has a strongly developed system of “eParticipation”. The initiatives launched so far focus on increasing participation or improving deliberation.⁶⁴

Also at local level, Estonia is developing eParticipatory measures. Two municipalities have launched forums to further stimulate political deliberation amongst the population.

The Estonian Civil Society Concept also provides a framework for partnership between civil society and the administration. Its main purpose is to enhance democracy and increase civic initiative.⁶⁵ A joint committee was created which was composed of members from the various ministries and the different NGOs. It went to work with a budget between €130 000 and €190 000 annually. Nevertheless, in 2006 an evaluation was held and three problems were identified: namely a lack of interest, poor quality of implementation due to understaffing and finances and the unclear role of the committee and its members.⁶⁶ In 2007 a revision took place.

⁶⁴ <http://www.edemocracycentre.ch/files/ESF%20-%20Local%20E-Democracy.pdf> pp. 10-11. One of the sites created (<https://www.osale.ee>) which gives people the opportunity to present their ideas and give to be consulted over draft legislation, was recognised with a Good Practice label by the 2009 European eGovernment Awards.

⁶⁵ http://www.siseministeerium.ee/public/Estonian_Civil_society_Development_Concept.doc p. 1.

⁶⁶ http://www.ngo.ee/orb.aw/class=file/action=preview/id=21846/EKAK_brussels.pdf p.3.

2.8 Finland

2.8.1 Direct Democracy

Referendums

The Finnish Constitution (as reformed in 1999) provides for consultative referendums.⁶⁷ Only two have taken place at **national** level: in 1931, for abolition of the Prohibition Act, and in 1994 for membership of the European Union.

Local councils can decide to hold consultative referendums. Municipal referendums are referred to in section 14 of the constitution; foreigners who are permanently resident in Finland have the right to vote in these, as well as in municipal elections. If a referendum is proposed by at least five per cent of entitled voters, the council “shall decide without delay whether to hold a referendum as proposed”. 53 referendums were held between 1991 and 2007. Almost all (90 per cent) concerned municipal mergers.⁶⁸

Initiatives

Local residents have the right to submit initiatives to **local** authorities in matters related to its operations. If at least two per cent of entitled residents submit an initiative, the council is obliged to consider it within six months.

2.8.2 Participatory Democracy

Increasing local participation was in itself one of the goals of the 1988 Free Commune Act, but was also seen as a necessary counterpart to other elements: reductions in the number of boards was accompanied by new measures to increase citizen participation in order to compensate for the loss of the input of lay members of boards.⁶⁹

The administrative reforms were made permanent in the new Local Government Act of 1995. This elaborates local residents’ right of participation: “Opportunities to participate and exert influence” are listed as electing representatives of service users to municipal organs; setting up administrations for component areas; providing information about local affairs and holding

⁶⁷ Section 53.

⁶⁸ Sjöblom, S. (2010), ‘Finland: The Limits of the Unitary Decentralized Model’. In: Loughlin *et al op. cit.* pp. 241-260, at p.249.

⁶⁹ Martin, S., Lux, S. and Loughlin, J. (2006), *The Free Communes Experiments: lessons for policy in England*. London: Department for Communities and Local Government, p.34.

hearings; finding out residents' opinions before taking decisions; providing for cooperation in managing the local authority's functions; helping residents to manage, prepare and plan matters on their own initiative; and arranging municipal referendums.

Youth councils have existed since 1995. Various "special group councils" are now operating, notably for disabled people and the elderly.

The Finnish Government has supported two major national programmes to promote citizen participation - the Participation Project between 1997 and 2002, and the Citizen Participation Policy Programme between 2003 and 2007 – but these were mainly directed at strengthening representative democracy. More direct forms of citizen participation have not been at the core of local and regional government reforms in Finland. According to national surveys, over 60 per cent of citizens have used at least one form of direct participatory channels.⁷⁰

⁷⁰ Sjöblom (2010) *op.cit.*

2.9 France

2.9.1 Direct Democracy

Referendums

France has a long experience of direct consultation of electors, dating back to the Constitution of 1793. Nine national referendums have taken place under the Fifth Republic established in 1958, mainly on institutional and European issues: the Constitution itself; the independence of Algeria; election of the President by universal suffrage; the creation of regions and reform of the Senate; the accession of the UK, Norway, Denmark and Ireland to the EEC; the Maastricht Treaty; the reduction of the term of office of the President; and the EU Constitutional Treaty in 2005. These have been of two sorts, as laid down in the Constitution of the Fifth Republic.

Constitutional referendums are required for constitutional amendments, except if the President refers it for approval by a three-fifths majority in the “Parliament convened in Congress”.⁷¹

Legislative referendums may be called by the President, on a proposal from the Government, on bills dealing with “organisation of the public authorities, or with reforms relating to the economic, social or environmental policy of the Nation, and to the public services contributing thereto, or which provides for authorisation to ratify a treaty which, although not contrary to the Constitution, would affect the functioning of the institutions.”⁷² These are optional and do not require the approval of Parliament. They are binding.

An important innovation was made to the article on legislative referendums by the constitutional revision of 23 July 2008,⁷³ making possible *minority* referendums. These may be held on the initiative of one-fifth of the Members of Parliament, supported by one-tenth of registered voters. This initiative shall take the form of a Private Member’s Bill. If the Private Member’s Bill has not been considered by the two Houses within a period set by the Institutional Act (“loi organique”), the President shall submit it to a referendum. The result is binding. These bills must be reviewed by the Constitutional Council to check their conformity with the Constitution before they are submitted to referendum. Bills for the Institutional Act and ordinary law required to regulate this provision were only presented on 22 December 2010. A period of three months is proposed for collection of signatories, using electronic methods, once the

⁷¹ Article 89.

⁷² Article 11(1) as modified in 2008 (addition of environment policy).

⁷³ Article 46-I de la loi constitutionnelle n° 2008-724 du 23 juillet 2008).

initiative is declared to be in conformity with the constitution. The Constitutional Council is to rule on constitutionality once the Parliamentary signatures have been given. A period of 12 months is proposed for consideration of the initiative by at least one of the Chambers of Parliament.⁷⁴

Even as a referendum of minority initiative, the new provision has been subject to legal criticism, and raised concern, even before it is put into practice, that this will not do anything to help install popular initiatives.⁷⁵ Moreover, although this new provision is widely referred to as a “referendum on popular initiative”, this has been seen by some as misleading. The initiative, at least formally, is in fact parliamentary; the role of citizens is simply to support an initiative; and the whole process can come to nothing if one chamber of parliament considers the initiative, in which case no referendum is held.

The first reference to consultative referendums at *local level* was made in 1992. In 1995 the possibility was introduced for 20 per cent of the voters to request a (non-binding) consultation on planning and development decisions.⁷⁶ Local rights of petition and referendums were introduced into the French Constitution in 2003.⁷⁷ The revised article provides that voters may “use their right of petition to ask for a matter within the powers of the community to be entered on the agenda of its Deliberative Assembly”. Referendums may be held, on the initiative of the local authorities, on “draft decisions or acts within the powers of a territorial community”.⁷⁸ A similar provision was introduced into the General Code of Territorial Communities in 2004.⁷⁹

Local referendums appear to be conducted with increasing regularity.⁸⁰ However, although the law allows for binding referendums, they appear in practice to be more of a consultative than a decision-making nature. According to one study, 102 mayors held a local referendum between 1992 and 2006, most of them non-binding. No binding referendums had been held since the 2003 in any French commune with more than 10 000 inhabitants.⁸¹

⁷⁴ Communiqué du Conseil des ministres sur les projets de loi organique et ordinaire relatifs à l’application de l’article 11 de la Constitution (sur l’initiative référendaire). <http://www.vie-publique.fr/actualite/panorama/texte-discussion/projet-loi-organique-relatif-application-article-11-constitution-initiative-referendaire.html#onglet2>.

⁷⁵ Diémert, S. (2009), ‘Le référendum législative d’initiative minoritaire dans l’article 11, révisé, de la Constitution’. *Revue française de Droit constitutionnel*, 77, 55-97.

⁷⁶ Law No. 95-115 of 4 February 1995.

⁷⁷ Constitutional Law No. 2003-276 of 28 March 2003.

⁷⁸ Article 72(1). Referendums may also be called on the creation of a special-status territorial community or modification of its organisation, and changes to the boundaries of territorial communities. Special provisions apply to overseas populations.

⁷⁹ Article L1112-15, Créé par [Loi n°2004-809 du 13 août 2004 - art. 122 JORF 17 août 2004 en vigueur le 1er janvier 2005](#).

⁸⁰ Cole, A. (2010), ‘France: Between Centralization and Fragmentation’. In: Loughlin *et al op. cit.* pp.307-330, at p.319.

⁸¹ Premat, C. (2009), ‘The implementation of participatory democracy in French communes’. *French Politics*, 7(1), 1-18.

Initiatives

The right of citizens' initiative has been introduced at regional level, first in Région Île-de-France, and in February 2011 in Région Rhône-Alpes. In this latter case, a minimum of 40 000 persons representing one percent of the registered electorate can ask the President of the regional council to place on the agenda of the regional assembly any issue which comes under regional competence.

2.9.2 Participatory Democracy

Other participatory mechanisms have been increasingly promoted at local level. Some cities, such as Grenoble, have been notably innovative, and has emphasised participatory democracy since the 1960s. The wave of activity in setting up participatory mechanisms started in a more general fashion from the mid-1990s. By the mid 2000s participatory approaches had been mainstreamed in political discourse, with Socialist presidential candidate Ségolène Royal notably calling for citizens' juries during her campaign. However, most arrangements are purely consultative, and there is some doubt as to their effectiveness.⁸²

⁸² Cole (2010) *op. cit.* p. 320.

2.10 Germany

2.10.1 Direct Democracy

Referendums

The German Federal Constitution (Grundgesetz - GG), as well as individual *Länder* constitutions, provide for forms and instruments of direct democracy at all levels of government, subject to different restrictions and conditions:

Volksentscheid – popular vote on a given issue, federal or sub-federal level

Volksbegehren – a three-step citizens' initiative (agenda-setting initiative with the option of a popular vote), federal or sub-federal level

Bürgerbegehren – three- or two-step citizens' initiative at district or local level

At federal level, referendums are only possible, and at the same time obligatory, in two cases: for the purpose of adopting a new federal constitution,⁸³ or in case of envisaged reorganisation of Germany's federal structure. A failed attempt of the latter kind (merger of Berlin and Brandenburg) took place in 1996.

At *Länder* level, referendums and citizens' initiatives, and in some cases recall votes, are possible since the 1992 reform.⁸⁴ Across the *Länder* there are different restrictions as to issues eligible to be subject of referendums and citizens' initiatives. In most cases, taxation, budget, and appointment of persons for public offices cannot be subject to popular vote.

German constitutional tradition makes an important distinction between referendums (*Volks- / Bürgerentscheid*) initiated by the authorities and those resulting from popular demand (*Volks-/Bürgerbegehren*). Depending on the initiator, it may or may not be possible, or obligatory, to hold a popular vote. At federal level, a referendum can only be called by the federal authorities. Also in Hessen, a popular vote on a constitutional amendment can only be initiated by the authorities.

Referendums are always binding. At all levels there are restrictions on permissible issues, and different threshold for admissibility and validity; these

⁸³ Article 146 GG.

⁸⁴ Walter-Rogg, M. and Gabriel, O. (2007), 'Direct Democracy at the Local Level in Germany'. In: Delwit, P. *et al. op. cit.* pp. 155-189.

criteria are laid down in the constitutions of the *Länder*; for local referenda and initiatives statutes of the commune regulate the admissibility and validity criteria.

Initiatives

Citizen's Initiatives / Agenda Initiatives are always binding.

At federal level they are possible only for re-organization of the territorial structure; at sub-federal levels subject to various restrictions, relating mostly to budget and taxes, spatial / urban development and personal appointments.

Initiatives consist of a three- (at local level sometimes two-) step procedure:

-initiative, subject to requirements on minimum popular support;

-deliberation in the local/*Land* assembly (omitted in some communes);

-in case of rejection by the assembly, popular vote with the capacity to override the decision of the assembly, subject to requirements on quorum and mandatory majorities;

In those *Länder* with the least restrictive requirements, both in terms of thresholds and permissible issues (Bavaria, Hessen, Berlin and Hamburg), citizens' initiatives and referendums at communal level are a regular element of local political process and their use is very frequent. Overall, the number of citizens' initiatives at *Land* and local level corresponds to the degree of restrictiveness of respective provisions. Their number has soared across the entire federal territory since 1991 (a number of *Länder* only introduced instruments of direct democracy in 1990), suggesting that the German population is willing to make active use of direct participatory instruments of agenda-setting and decision-making.⁸⁵

2.10.2 Participatory Democracy

Various forms of participatory democracy are practiced in Germany.⁸⁶

Consensus conferences and **Citizens' juries** – as variants of non-binding, advisory assemblies – take place for purposes of legislation envisaged at federal

⁸⁵ Statistics available at: <http://www.mehr-demokratie.de/ranking.html>.

⁸⁶ Verkamp, R.B. and Hirlemann, D. (2010), *Politik erleben, Bürger beteiligen*. Report by Bertelsmann Foundation on methods of participatory democracy.

level, for example in 2001 in Dresden on genetic diagnostics, results were forwarded to a relevant federal ministry for consideration.

Planning cells - non-binding, open-access, advisory mechanisms - are practiced at *Länder* and local level. These have been popular since the 1990s in Berlin as a way to seek popular consensus and contribution to local governance and spatial planning problems. They are regularly used in Bavaria for establishing citizens' priorities and preferences in public policy.

Public dialogue sessions (non-binding and deliberative) take place for evaluation at *Länder* and local levels. **Charrettes** and **citizens' panels** take place at local level. For example, between 2008 and 2010, the city of Bremen organised citizens' panels on the use of and contribution to the development of sustainable energy resources.⁸⁷

Germany is one of the countries in which local **participatory budgeting** has most flourished since the first experiment in 1998.⁸⁸ By March 2010, participatory budgeting was being implemented or discussed in over 140 municipalities. The modalities employed are limited in terms of citizen decision-making, since direct decisions by citizens on local budgets are not legally permitted. They are purely consultative mechanisms aiming at information, transparency, accountability and changes in local procedures. Most have limited citizens' budgets to tasks which are not legally prescribed (in Cologne, for example, roads, ways and places, green areas and sport).

⁸⁷ <http://www.energiekonsens.de/de/neues/index.html>.

⁸⁸ This whole paragraph is based on Franzke, J. (2010), 'Best Practice of Participatory Budgeting in Germany – Chances and Limits' (Paper to EGPA Annual Conference, Toulouse September 2010, available at egpa2010.com/documents/PSG4/Franzke.pdf).

2.11 Greece

2.11.1 Direct Democracy

Referendums

The Greek Constitution only provides for referendums at national level.

In its history Greece has held eight **national referendums**, mostly relating to the status of the monarchy, or, eventually, to its abolition. The Greek constitution, as amended in 2001, provides for a national referendum on crucial national matters.⁸⁹ The referendum can only be called by the President acting upon a resolution proposed by the government and adopted by an absolute majority of members of Parliament. Any law can also be subjected to a confirmative / abrogative referendum with the exclusion of fiscal matters, when the appropriate parliamentary resolution is proposed by two-fifths of the member of the parliament and adopted by at least a three-fifths majority.

Since 2006, municipalities have been able to hold **local referendums**, either on the initiative of the council, in the case of important issues for which the municipality or community is responsible, or on a popular initiative in the case of matters explicitly laid down in the recent Code of Municipalities and Communities.⁹⁰

The Greek Constitution also guarantees any citizen or group of citizens the right to **petition** public authorities.⁹¹ Authorities are under the obligation to respond to the author of the petition subject to limitations laid down by law.

2.11.2 Participatory Democracy

Participatory methods at sub-national level are not always based on any formalised framework. Municipalities are subdivided into smaller Units and Communes. They both have elected councils, but the size of these sub-units in terms of territory and population is very small and their competences are only auxiliary to the competences of the municipalities. Given those characteristics, various forms of participatory decision-making have been used for the management of local issues, such as **district councils**, **residents' assemblies**, **neighbourhood committees** and **local discussion fora**.⁹²

⁸⁹ Article 44.

⁹⁰ Law 3463/2006.

⁹¹ Article 10.

⁹² Hlepas, N. and Getimis, P (2010), 'Greece: A Case of Fragmented Centralism and Behind the Scenes Localism'. In: Loughlin *et al op. cit.*, pp. 410-433, at p.421.

Before the 2010/2011 reform, **citizens' assemblies** were practiced in municipalities once a year, when the mayor would present to a public assembly the results of his/her work in the past year and outline a plan for the coming one.⁹³ Such events had served above all the purpose of information and maintaining a link between the population and the elected office holders.

Most former municipalities have now been merged into larger units. Citizens' assemblies are currently mandatory at least once a year at the local, or sub-local level, depending on the size of the community. In communities of 10 000 or more inhabitants the assembly will comprise between 25 and 50 representatives of citizens and local business and public interest organisations selected by the local authorities as well as citizens selected by lot from the electoral register. The mandate of communal citizens' assemblies is very broad and encompasses all issues within the competence of the communes. The agenda can be influenced by the citizens; consultation on the community's spending is mandatory and the annual budget must be discussed during the assembly.

⁹³ Hlepas, N. (2003), *Local government reform in Greece*, draft paper, available at: <http://www.uni-stuttgart.de/soz/avps/rlg/papers/Greece%20-%20Hlepas.pdf> pp.12-13.

2.12 Hungary

2.12.1 Direct Democracy

Referendums

The Hungarian Constitution provides for both national and local referendums.⁹⁴ The new Constitution signed on 25 April 2011, which will come into force on 1 January 2012, introduces some changes.⁹⁵

At **national** level, Parliament will be obliged to hold a referendum on the petition of at least 200 000 voters, and may hold a referendum on the initiative of the President, the Government or at least 100 000 voters. Referendums will in the future always be binding upon Parliament (the possibility of consultative referendums is deleted). The outcome will be valid if more than half of the voters voting validly and at least more than one half (until now one quarter) of all persons entitled to vote have given the same answer to the question put. The Constitution continues to prohibit referendums on specified issues.⁹⁶

The number of referendum initiatives was not significant in the first years after the previous amended constitution came into force on 23 October 1989. This increased slightly from 2001 till 2006 to about 20-30 initiatives for a referendum every year. Yet in 2007 and 2008 there was an explosion of initiatives (ranging between 200 and 400).⁹⁷ However, due to the large number of signatures required for both national referendum and the citizen's initiative (see below) and due to the difficulty of wording the question (no constitutional issues or forbidden issues), many of these initiatives have been unsuccessful.⁹⁸ There have thus far been six referendums since the fall of Communism in Hungary. In 1989, there was the so-called four-yes referendum on the method of presidential election, if political parties should leave the workspace, on the accountability of the Communist Party and the abolition of the Workers' Guard. Except for the first issue, all the other issues were overwhelmingly voted 'yes'. The second

⁹⁴ Article 28/B-E and Article 44.

⁹⁵ See the English text available on the Hungarian Government website, <http://www.kormany.hu/en>.

⁹⁶ Under the new Constitution Article 8(3) "No national referendum may be held on: *a*) any matter aimed at the amendment of the Fundamental Law, *b*) the contents of the Acts on the State Budget and its implementation, the central tax type, pension or healthcare contributions, customs and the central conditions for local taxes, *c*) the contents of the Acts on the elections of Members of Parliament, local representatives and mayors, and members of the European Parliament, *d*) any obligation arising from an international agreement, *e*) any matter related to human resources and the establishment of organisations within the competence of Parliament, *f*) the voluntary dissolution of Parliament, *g*) the mandatory dissolution of any representative body, *h*) the declaration of a state of war, state of national crisis and state of emergency, and on the declaration or extension of a state of preventive defence, *i*) any matter related to participation in military operations, *j*) the granting of pardons.

⁹⁷ <http://aceproject.org/regions-en/countries-and-territories/HU/reports/hungary-report-on-the-national-referendum-2008> p.3.

⁹⁸ International IDEA (2008) *op.cit.* p.104.

referendum (1990) was on the question if the President should be directly elected, the third was on accession to NATO in 1997, the fourth was on accession to the EU (2003), the fifth on dual citizenship (2004) and the sixth dealt with Hungarian fees for doctor visits (2008).⁹⁹ Only the 2004 referendum received a ‘no’-vote.

Local referendums are also still provided for in the Constitution. The specific provisions for such a local referendum have been laid down in Chapter IV of Act LXV of 1990 on Local Government.¹⁰⁰ The act lists when a referendum is obligatory (e.g. establishment of a new village, matters determined in a municipal decree), optional (in matters falling within the jurisdiction of the body of representatives or to confirm a municipal decree) and prohibited (budget, taxes and on organisational, operational and personal matters). A local referendum is initiated by a minimum of one quarter of the settlement representatives, by the council, “the managing body of the local (voluntary) social organisation” and a number of constituents which is defined in the municipality decree. The municipality decree has, however, limitations in its definition on the number of constituents needed to initiate the referendum. It has to be between ten per cent and 25 per cent of the constituents. Yet, if the population size is less than 500 the competence for a referendum decision may be given to a village meeting provided that more than 50 per cent of the constituents attend the meeting. The result of the referendum is always binding.¹⁰¹ The ‘Act on the Election of Local Government Representatives and Mayors’ lays down further practical guidelines on organising a local referendum.

Initiatives

At national level an initiative can be submitted by at least 50 000 electors. It will be put on the agenda if it falls in the competences of the Parliament. There is a two-month period to collect these signatures.¹⁰² This provision has been deleted from the new Constitution.

On the local level, there is also the opportunity of proposing a citizens' initiative. The conditions for a citizens' initiative are laid down in the municipal decree which causes some variations between the different municipalities. However, the threshold must not be less than five per cent and not more ten per cent of the constituents in the municipality. Within a month, a successful citizens' initiative will have to be discussed by the body of representatives (municipal Council).

⁹⁹ <http://aceproject.org/regions-en/countries-and-territories/HU/reports/hungary-report-on-the-national-referendum-2008>; International IDEA (2008) op. cit., p.104.

¹⁰⁰ http://www.minelres.lv/NationalLegislation/Hungary/Hungary_Municipal_English.htm.

¹⁰¹ Section 48 http://www.minelres.lv/NationalLegislation/Hungary/Hungary_Municipal_English.htm.

¹⁰² §28/D and E of the Hungarian Constitution.

The body of representatives is responsible for providing the regulatory framework under which the citizens' initiative can be launched.¹⁰³

2.12.2 Participatory Democracy

The **citizens' jury** is not an instrument which is used abundantly in Hungary. In 2008 a pilot was organised in Kaposvár in the framework of the IntUne programme.¹⁰⁴ The main issue discussed was about the connection between unemployment and education.¹⁰⁵

Furthermore under the project of the European Citizens' Panel (see also Box 3 in Section 3), Hungary and Slovakia created a Carpathian Cross-Border Panel. The members of this Jury came from the two most rural sub-regions namely Moldava nad Bodvou in Slovakia and Szikszó in Hungary. The main question focused on the rural future of Europe.¹⁰⁶

At local level some forms can be found of **participatory budgeting** regarding the whole budget. This is done through the Interest Reconciliation Board. This board is composed of representatives from the civil servant unions. "Some municipalities extend the membership of these groups and institutions to include local civic groups".¹⁰⁷ Their main task is to negotiate about the local budget.

Various **online discussion** facilities at national level are available to create interaction mostly between the government and its citizens. Once such interaction is e-Games which was launched in 2004. e-Games is an acronym for 'eGovernment Assessment, Measuring and Evaluation System'. Its purpose is "to promote greater interaction among citizens and between citizens and the public administration by leveraging the interactivity offered by ICT, eGames allows people to evaluate the public administration's performance. Users can assess each other's comments on specific issues with positive and negative points, which provides an overall judgement of the value of each user's contribution. The aggregated number of points draws a picture of public opinion based on the forums' users. "VIPs" (e.g. high-level representatives of the public administration and politicians) are regularly invited to chat with citizens at predefined times. The responses during these online "office hours", as well as their other contributions, are also scored by users – generating an important

¹⁰³ Section 50 http://www.minelres.lv/NationalLegislation/Hungary/Hungary_Municip_English.htm.

¹⁰⁴ The IntUne project took place under the EU's 6th Framework Programme for Research and Technological Development and dealt with the theme of citizenship. Its main aim was to study citizenship in the perspective of deepening and enlargement of the EU.

¹⁰⁵ http://unicorvinus.hu/fileadmin/user_upload/hu/tanszekek/tarsadalomtudomanyi/szti/etk/vegyes_2010/introd.pdf.

¹⁰⁶ http://www.citizenspanel.eu/images/partners_docs/2007_eep_carpathian_citizens_report_en.pdf.

¹⁰⁷ <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN013818.pdf> p.370.

source of public pressure”.¹⁰⁸ This system does not allow for participation but it does provide for means of consultation. In addition, there is also a national forum where discussion can be held on various (political) issues.¹⁰⁹

At local level the results vary. There are some fora which provide information but do not allow for deliberation. In Budapest District XVIII, for example, people have the opportunity to send SMS questions to local administrators. When looking at the different online fora at local level, three types of fora can be distinguished - namely interaction and discussion between citizens at local level, interaction between citizens and local councillors, and dialogue between the citizens and the mayor. The first type is becoming increasingly more common. Yet there is also some criticism: “Despite the general level of success in Hungary, there is little evidence that these advances have done much to ameliorate the problems [...] In fact, the presence of many local online discussion forums, by far the most common, actually does little to improve the decay in the institutionalization of democratic norms.”¹¹⁰

¹⁰⁸<http://www.oecd.org/dataoecd/10/24/39608867.pdf>, p.10;

<https://magyarorszag.hu/forum/egames/show/332.page>.

¹⁰⁹ <https://edemokracia.magyarorszag.hu/forum/forums/list.page>.

¹¹⁰ <http://www.edemocracycentre.ch/files/ESF%20-%20Local%20E-Democracy.pdf>, pp.19-20.

2.13 Ireland

2.13.1 Direct Democracy

Referendums

At national level a referendum can be organised. There are two types: the constitutional and the ordinary referendum. The first is held when the constitution is about to be changed by a legislative proposal which has passed both the House and the Senate. On the other hand, the ordinary referendum is held after a petition is adopted by a majority in the Senate and a one-third approval of the House. No ordinary referendum has yet taken place.¹¹¹

The results of a referendum are always binding. Furthermore a referendum in Ireland is overseen by a non-partisan commission which is set up solely for that particular referendum. It has to provide for independent information about the referendum and distribute that information to the population.¹¹²

At local level, the possibility exists for binding referendums, for example, to change place names, but these have not been used frequently.¹¹³

2.13.2 Participatory Democracy

The Local Government Act of 2001 provides for Committees and **Joint Committees** through which civil society can be involved in the democratic process. Firstly, there are strategic policy committees which advise the local council on matters of policy. The committees consist partly of members of the local authority and partly of people which are not. The latter category include amongst others representation from sectoral interests. Borough and Town Councils have Municipal Policy Committees which have the same tasks as the strategic policy committees which are located in cities and counties.¹¹⁴

Secondly there are area committees. With these committees, County and City Councils establish committees cover two or more adjoining electoral areas but still within an authorities area. “Area committees allow specific local issues to be identified, debated and resolved locally. For example, an area committee might deal with the regeneration or community development of a particular area in a city or county”. Finally, two or more local authorities can

¹¹¹ <http://www.publiek-politiek.nl/Info-over-politiek/Europa/Kiesstelsels/Ierland>.

¹¹² International IDEA (2008) *op. cit.*

¹¹³ http://www.environ.ie/en/GreenPaper/html/greenp_chapseven.html.

¹¹⁴ <http://www.oireachtas.ie/documents/bills28/acts/2001/a3701.pdf> Articles 48 and 49.

establish joint committees to which act as local authorities.¹¹⁵ A member of such a joint committee can be “a person who is not a member of one of the local authorities concerned shall not be appointed to be a member of a joint committee unless, in the opinion of the authority by which he or she is so appointed, he or she possesses knowledge, qualifications or experience relevant to the functions of the joint committee”.¹¹⁶

The level of participatory democracy in Ireland is very limited, especially on the local level. This reflects the centralist nature of the island. Nevertheless, the Irish are looking into the various practises that exist in Europe and considering whether or not to implement them on the island. In August 2007, a consultative committee was established which was responsible for drafting a Green Paper on Local Government Reform. This was done with a public consultation. After the Green Paper was published in July 2008, a second round of consultation started which is supposed to be finalised in a White Paper.¹¹⁷

The Green Paper itself, however, already addressed some potential new forms of participatory democracy. These include the right of petition, participatory budgeting, town meetings and plebiscites.¹¹⁸

¹¹⁵http://www.citizensinformation.ie/en/government_in_ireland/local_and_regional_government/local_authority_committees.html.

¹¹⁶ <http://www.oireachtas.ie/documents/bills28/acts/2001/a3701.pdf> Art. 52(10)(c).

¹¹⁷ <http://www.environ.ie/en/LocalGovernment/LocalGovernmentReform/GreenPaperonLocalGovernmentReform>.

¹¹⁸ http://www.environ.ie/en/GreenPaper/html/greenp_chapseven.html.

2.14 Italy

2.14.1 Direct Democracy

Referendums

At **national** level, three types of referendum are foreseen:

- Referendums are called by the parliament on amendments of the constitution, and are *binding* if the quorum is reached of 50 per cent of eligible voters. Three such referendums have taken place to date (1946, 2001, 2006);
- Consultative* referendums may be called by the parliament. Only one case has taken place so far (1989);
- Abrogative / confirmative* referendums may be called by 800 000 citizens or five regional assemblies, with a process of pre-scrutiny as to admissibility by the Constitutional Court after 100 000 signatures have been collected. The result is binding if the quorum reached (50 per cent of eligible voters must cast valid votes). These referendums cannot concern taxation and budget issues, nor amnesty, nor can it risk to render the law in question unconstitutional or frustrate its consistency. There have so far been 62 such referendums.

At **regional** and **local** level, confirmative / abrogative referendums can be requested in most regions by five per cent of the regional population eligible to vote (except when the statute in question has been approved by two-thirds majority in the Regional Council, when it may not be subjected to a referendum). In the case of amendments to the Regional Statute the initiative must typically have the support of two per cent of the regional population eligible to vote.

Initiatives

At the **national** level, a project of a statute edited in proper articles may be presented to the parliament for deliberation when 50 000 signatures of citizens eligible to vote have supported it; signatures need to be collected within three months from the registration of the initiative. If within 18 months the parliament has not deliberated on the initiative, 800 000 citizens can request a referendum to adopt the initiative as law; the Constitutional Court verifies the admissibility of a referendum after the lapse of 18 months' period. Budgetary and taxation issues, issue of securities and personal appointments are excluded from the scope of the popular initiatives;

At **regional** level, initiatives have varying requirements in terms of popular support (largely depending on the population - between 2000 in Basilicata and 15 000 in Puglia), or institutional support (a given number of provincial or local councils); thresholds for citizens' initiatives and confirmative/abrogative referenda on the amendments of Regional statutes are in some cases higher (e.g. 25 000 in Piedmont and 50 000 in Puglia). There is no obligation upon the regional councils to adopt the proposal.

Petitions can be presented on any matter by any single citizen, an association of citizens, or any legal person in Italy. There is no obligation for parliament to deliberate or adopt a (legislative) resolution.

2.14.2 Participatory Democracy

Some regions¹¹⁹ have adopted laws where the framework and instruments of popular consultations are laid down, however no region has provisions on mandatory popular consultations other than referendums. For example:

-the regional government of Tuscany recommends and makes use of town meetings and communal assemblies (see section 3.1 for more details);

-Rome has since 2001 run programmes on facilitation and support for forms of active citizenship, also as a part of European programmes for voluntary service and active participation;¹²⁰

-the region of Emilia-Romagna has established an electronic hub for coordination and promotion of active participation.¹²¹

There are voluntary associations¹²² which actively support more civic involvement in the public discourse and promote the culture of informed citizenship in areas where EU actively shapes public policy, e.g. public health, environment, consumer protection, or energy. Overall, Italian society has a well-developed sector of voluntary organizations and non-profit associations working towards better information of the society and popular participation.

¹¹⁹ Tuscany: <http://www.regione.toscana.it/partecipazione>.

Umbria: http://www.consiglio.regione.toscana.it/LEGGI-E-BANCHE-DATI/RACCOLTE-NORMATIVE-PER-MATERIA/referendum/Normativa%20regionale/umbria/lr1997_7.htm,

Liguria: <http://www.regione.liguria.it/argomenti/diritti-e-doveri-del-cittadino/diritto-di-accesso-.html>.

¹²⁰ <http://www.marcoarelio.comune.roma.it/Asp/DocPica%5CProgetto%20PiCA%20Roma%20-%20descrizione.pdf>.

¹²¹ <http://www.partecipa.net/wcm/partecipanet/index.htm>.

¹²² www.cittadinanzaattiva.it.

Constitutional instruments of direct democracy are used very frequently on the national level, more rarely on sub-national levels. However, provisions for their use exist, and low thresholds of admissibility guarantee access to these instruments by minorities.

Authorities at all levels are aware of the plethora of methods of participation and consultation. Their use is mostly on a case-by-case basis and with various frequencies across the Italian regions. Tuscany and Umbria have the most comprehensive and structured approach towards consulting the population. For other regions systematic data about consultations is missing.

2.15 Latvia

2.15.1 Direct Democracy

Referendums

Referendums are mandatory in Latvia for:

- the dissolution of parliament;
- membership of the EU;
- substantial change in the terms of Latvia's membership of the EU, if such a referendum is requested by at least one-tenth of members of parliament;
- amendments to specified basic provisions of the constitution.¹²³

Certain matters may not be submitted to national referendum.¹²⁴ A referendum may be called on a law which has been suspended by the President (on request of at least one-third of members of parliament). The Latvian parliament introduced the possibility for local governments to hold local referendums in the Local Government Law in June 2008, to come into effect once a special implementing law is adopted. That has for the time being not materialised.

Initiatives

The Latvian Constitution includes a provision for **citizens' initiatives**. One-tenth of electors "have the right to submit a fully elaborated draft of an amendment to the Constitution or of a law to the President, who shall present it to the *Saeima*. If the *Saeima* does not adopt it without change as to its content, it shall then be submitted to national referendum".¹²⁵

2.15.2 Participatory Democracy

Citizens have the right to attend local government meetings and have free access to all decisions and protocols of open meetings. Public hearings, open roundtable discussions and other meetings are held. However, these activities

¹²³ Democratic and sovereign nature of the state; territory; official language and flag; election of the Parliament by universal, equal, direct, secret and proportional suffrage.

¹²⁴ The budget and laws concerning loans, taxes, customs duties, railroad tariffs, military conscription and commencement of war, peace treaties, declaration of a state of emergency and its termination, mobilisation and demobilisation, as well as agreements with other nations (Section 73).

¹²⁵ Section 78.

depend on the good will of the local government and on the interest of the public. A survey carried out in 2008 indicated that local leaders tend to see the public as passive.¹²⁶

¹²⁶ Vilka, I. (2010), 'Latvia: Experiments and Reforms in Decentralization'. In: Loughlin *et al op. cit.* pp. 596-617, at pp.610-611.

2.16 Lithuania

2.16.1 Direct Democracy

The Lithuanian Constitution presents direct democracy as the first principle of popular sovereignty: “The People shall exercise the supreme sovereign power vested in them either directly or through their democratically elected representatives.”¹²⁷

Referendums

It states that “The most significant issues concerning the life of the State and the People shall be decided by referendum.” **Referendums** are mandatory for specified basic definitions of the State and for the process of constitutional amendment. Referendums are to be announced by parliament, but they may be called on a citizens’ initiative if at least 300 000 of the electorate so request.¹²⁸

Local authorities are allowed to hold non-binding referendums on the request of ten per cent of the electorate or one-fourth of council members, but the council makes the final decision. Referendums are rarely used. A few were held in 2007 concerning the establishment of new municipalities. The minimum participation threshold of 25 per cent was not reached in any of the referendums, with only two to three per cent of the electorate participating in some cases.¹²⁹

Initiatives

There is a right of **citizens’ initiative**. “Citizens of the Republic of Lithuania shall also have the right of legislative initiative. A draft law may be submitted to the Parliament by 50 000 citizens of the Republic of Lithuania who have the right to vote. The Parliament must consider this draft law.”¹³⁰

¹²⁷ Article 4.

¹²⁸ Article 9.

¹²⁹ Vaiciuniene, J. and Nefas, S. (2010), ‘Lithuania: Brave Enough to Implement Daring Democratic Reforms?’ In: Loughlin *et al op. cit.* pp. 618-639, at p.630.

¹³⁰ Article 68(2).

2.17 Luxembourg

2.17.1 Direct Democracy

Both at national and at local levels there are provisions for holding referendums. A national referendum has been held four times in Luxembourg's history: in 1919 (Monarchy), 1937 (criminalising revolutionary political parties), 1941 (incorporation into Germany) and 2005 (European Constitutional Treaty). Under the current constitution, a referendum must be held when a law changing the Luxembourg constitution is presented.¹³¹

At local level, referendums can be held on any issue relating to the local level. The referendum can be held on the request of one-fifth of the voters in a commune with more than 3000 inhabitants and one-fourth of the voters the other communes.¹³² The referendum is non-binding in nature and the rules for the referendum are further laid down in the Grand Ducal regulation.¹³³

2.17.2 Participatory Democracy

There are two other forms of participation at local level. Firstly it is possible under Article 36 of the Local Government Law that the mayor and/or aldermen may invite some or all the citizens of a commune to be present at an optional consultative meeting where there is the opportunity to express opinions on a problem. Depending on who is invited (select group or whole population) this could possibly result in a town meeting.¹³⁴ A second form of participation is based on the formation of advisory bodies. The council may in such a case determine the composition, functions and responsibilities of these bodies and set them out by internal regulations.

¹³¹ http://www.legilux.public.lu/leg/textescoordonnes/recueils/constitution_droits_de_lhomme/CONST1.pdf Art 114.

¹³² Local Government Law <http://www.legilux.public.lu/leg/a/archives/1988/0064/a064.pdf#page=2> , Art. 35.

¹³³ <http://www.legilux.public.lu/rgl/1989/A/1318/3.pdf>.

¹³⁴ Local Government Law <http://www.legilux.public.lu/leg/a/archives/1988/0064/a064.pdf#page=2> ,Art. 36.

2.18 Malta

2.18.1 Direct Democracy

Referendums

The Maltese Constitution provides for a referendum in Article 66. Such a referendum can only be held when amending the fundamental principles and has a binding nature. Such a referendum will take place after the amendment has been approved by two-thirds of the Parliament.¹³⁵ Two additional types of referendums can also be organised under the Referenda Act¹³⁶ of 1973. The first can be called on the basis of a resolution that is passed by the House and published in the Gazette. It is not specified if this act is binding or not and several scholars have different opinions about this.¹³⁷ The second is an ‘abrogative referendum’. This referendum can be initiated if 10 per cent of the population supports it, will be valid with 50 per cent plus one vote, and has a binding character. An abrogative referendum cannot be held on all policy issues. Article 13(2) provides a list with issues on which no referendum can take place under this act (such as the Constitution, European Convention Act, and fiscal policy).

On a national level, five national referendums have been held so far. Two took place after independence (European Union Referendum of 2003 and Gozo Civic Council (Abolition) Referendum of 1973); two were referendums on the status of the island (the Independence Referendum of 1964 and the Integration Referendum of 1956); and one was on the eligibility of ecclesiastics to be members of the Council of Government (in 1870). A sixth referendum is scheduled to take place on 28 May 2011, as provided for in a separate referendum resolution under the Referenda Act. The subject of the referendum is the legalisation of divorce.¹³⁸

At local level it is also possible for a referendum to take place when a project has to be financed which has a loan for more than three years, and for an abrogative referendum. The various provisions for such a referendum (e.g. a petition of ten per cent of the population to initiate the process) are taken over from the Referenda Act.¹³⁹

At local level there are other possibilities for requesting a public consultation.

¹³⁵ <http://www.constitution.org/cons/malta/chapt0.pdf>.

¹³⁶ <http://www.maltadata.com/ref-act.htm>.

¹³⁷ <http://www.timesofmalta.com/articles/view/20030223/opinion/referendum-is-not-merely-consultative>.

¹³⁸ <http://www.doi.gov.mt/EN/gazetteonline/2011/03/gazts/GG%2030.3.pdf>.

¹³⁹ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8833&l=1>.

2.19 The Netherlands

2.19.1 Direct Democracy

Referendums

At national level, there are presently no standard mechanisms for holding a referendum. There was an attempt to change the constitution to provide for national abrogative referendums of a consultative nature in 1999. The proposal's mechanism was an initial 40 000 signatures to launch a preliminary investigation into the possibilities of a referendum which was followed by a petition of 600 000 signatures within six weeks to initiate a referendum. The referendum would be valid with a 30 per cent turnout. However, this proposal did not pass the senate. From 2002 until the end of end 2004, a temporary abrogative referendum law was active in the Netherlands. Yet during this period no referendum took place.¹⁴⁰

On 1 June 2005, the first and only referendum was held in the Netherlands, on the EU Constitutional Treaty. For this consultative referendum to take place a special law was issued.¹⁴¹ The referendum had a 63.3 per cent turnout of which 61 per cent voted against the constitution. Though the referendum was not binding, several political parties already announced before the referendum took place that they would respect the outcome.¹⁴²

According to Dutch law,¹⁴³ it is possible to hold a non-binding referendum at municipality/ regional level, but only in the case that the municipal council decides that such a referendum is desirable. Due to the high costs, the referendum is more of an exception than the rule in decision-making at local level. Since 1912 there have only been 137 referendums at local level (with about 441 municipalities). It should be noted that the number of referendums has increased in the last couple of decades. The law enabling a referendum for the election of a mayor was abolished in 2008 because of the very low turnout at these referendums.

There have only been held two referendums at municipal level on European questions. These were held in Delft and Bolsward in 1952 on the subject of a European Constitution. The referendum was organised by the European Movement Netherlands. In Bolsward the turnout was about 88.2 per cent of

¹⁴⁰ Addink, G.H. (2009), *Local and Regional Level Participation in Europe*, p.12. Available at: http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/docs/provincie_utrecht_1_en.pdf.

¹⁴¹ http://www.eerstekamer.nl/behandeling/20050203/publicatie_wet_4/f=/w29608st.pdf.

¹⁴² http://www.europa-nu.nl/id/vgvqpnqs5qbn/referendum_over_eu_grondwet_in_nederland.

¹⁴³ Article 121 Gemeentewet.

which 96.6 per cent was in favour. Delft had a turnout of 74.8 per cent of which 93.1 per cent was in favour.¹⁴⁴

At regional level only Noord-Holland, Friesland and Zeeland (three out of 12) have provisions for holding a referendum. However, there has never been a referendum at regional level.¹⁴⁵

Initiatives

At national level, the possibility of a citizens' initiative has existed since 2006. For this 40 000 signatures are required. In April 2007, the first initiative was proposed on reshaping the bio-industry ("stop wrong meat"). It was supported by 106,975 signatories and was put on the agenda. Nevertheless, when put to a vote in parliament, a majority rejected the proposal.¹⁴⁶

The citizens' initiative is present at local and regional level. At local level it is not uncommon for a citizens' initiative to be introduced. However, each municipality determines for itself whether or not they allow this instrument. In the last years, many municipalities have stopped considering the citizens initiative to be a useful instrument (87 per cent in 2004 and 64 per cent in 2009).¹⁴⁷ The citizens' initiative at regional level has not yet been around very long in some regions. A study carried out by the province of Gelderland in 2010 concluded that the citizens' initiative was successful in bringing topics onto the agenda but it usually did not produce a positive result.¹⁴⁸

The topics addressed when using this instrument have a strong focus on local and regional issues and it is not used to address European issues or debate about European policy.

2.19.2 Participatory Democracy

Some municipalities have installed a citizens' jury (e.g. Rotterdam). Some regions such as Flevoland¹⁴⁹ also have such non-binding participatory models. However, although the EU is occasionally mentioned during the discussions, it is only on a side note and is not the main focus of the debate. On a national level

¹⁴⁴ http://www.europa-nu.nl/id/vgxzl29bnwyv/referendum_in_delft_en_bolsward_in.

¹⁴⁵ <http://www.referendumplatform.nl/index.php?item=224>.

¹⁴⁶ <http://www.tweedekamer.nl/hoewerkt/hetuwmening/telt/burgerinitiatief/index.jsp>.

¹⁴⁷ <http://www.publiek-politiek.nl/Organisatie/Nieuws/Papier/Najaar-2009/Gemeenten-positief-over-bewonersbudget>.

¹⁴⁸ http://sis.prv.gelderland.nl/brondoc/PS/2010/NOTITIE/SIS_8982.PDF.

¹⁴⁹ <http://www.flevoland.nl/praat-mee/burgerjury/>.

a citizens' jury focusing on Europe was launched in 2007 as part of the European project "Plan Debate Europe".¹⁵⁰

When looking at 21st century town meetings, one can distinguish between two types. Firstly, there are town meetings organised by the municipality itself. These focus mostly on local issues. Yet, not all municipalities choose to use this instrument. On the other hand there are the town meetings organised by the various local political parties. The discussion here is occasionally on EU policy and how it affects the municipality/city/region. These discussions focus, however, to engage a dialogue between political supporters and the elected representatives of that party. Other political parties are not included and might not have such sessions. The result is that there is not a broad discussion at local/regional level on Europe.

Participatory budgeting is practiced in several municipalities. The city of Leeuwarden is an example of such practise, where small villages and neighbourhoods each have a budget at their disposal which they can freely invest. Other municipalities (at least 44) are currently also experimenting with this approach.¹⁵¹ At regional level there is no form of participatory budgeting.

There are various online discussion sites available at national and local level for citizens to participate in decision-making in the Netherlands. There is even an award that has been presented since 2008 for the best online site.¹⁵² At provincial level, on the other hand, there are virtually no online possibilities of participation are available except the standard means of communication via e-mail, electronic forms or means to register to participate in other methods of participatory and/or direct democracy.

Various forms of public dialogue take place at local level. For several provinces, however, it is possible to be involved in the discussion only by requesting speaking time in a commission meeting.

The forms of direct democracy and participatory democracy practiced vary greatly, and appear to be tailor-made to specific concerns at stake. Both the topics and the level of participation and influence are not equal between the local/regional entities.¹⁵³

¹⁵⁰ http://www.vng.nl/Documenten/Extranet/Burgerzaken/bestanden_burgerparticipatie/M.Leyenaar_boekje%20burgerforum_theorieenpraktijk_090527.pdf.

¹⁵¹ http://vorige.nrc.nl/binnenland/article2493660.ece/Burgerparticipatie_in_veel_gemeenten_in_opkomst.

¹⁵² <http://www.burgerlink.nl/home.html>.

¹⁵³ Hendricks, F., and Schaap, L. (2010), 'The Netherlands: Subnational Democracy and the Reinvention of Tradition'. In: Loughlin *et al op. cit.* pp.96-122, at p.109.

There are also various instruments of participatory democracy available at local and regional level. However, virtually none of these instruments are used on issues dealing with the European Union. Only on some occasions have public dialogue sessions been held on Europe. Yet, these sessions usually take place on special European occasions such as European elections and celebrations to mark the signing of the Treaty of Maastricht.

To conclude, it can be observed that the topic of Europe only rarely plays a role in participatory democracy or direct democracy in the Netherlands. This testifies to the lack of local and/or regional involvement in European affairs. If European issues are discussed, it is usually *en passant* in a discussion focusing on a regional/local topic. In addition, it takes usually place in the realm of representative democracy and/or at a national level.

2.20 Poland

2.20.1 Direct Democracy

Referendums

The Constitution provides that referendums can take place at all levels.¹⁵⁴ They are in most cases optional, and mandatory only if certain provisions of the Constitution itself are to be amended.¹⁵⁵ Except for the latter case, in which they are always binding, referendums may be either binding or consultative.

At **national** level five binding referendums have been called. Three produced valid results (in 1946, 1997 and 2003) while in two cases (in 1987 and 1996) the turnout was below the minimum threshold required for a vote to be binding at national level. These were consequently considered to be only consultative.

Only questions of constitutional change or of great economic importance have been subject to national referendums. Decisions to call national referendums are discretion of the Parliament. EU accession was submitted to a referendum, and another referendum was planned in 2005 for the adoption of the Treaty Establishing a Constitution for Europe.

At **sub-state** level since 1999, one voivodeship referendum was held in 2007, 35 district referendums (of which 23 were recall votes) and 428 communal/municipal referendums (of which 244 were recalls). The threshold for validity at sub-state level is 30 per cent.

Sub-national referendums have been very frequent thanks to liberal local referendum laws.¹⁵⁶ since 1999 there have been a total of 463, of which roughly 60 per cent were recalls, less than one per cent concerned local taxes and about 38 per cent concerned other issues.

The most frequent type and objectives of referendums initiated by popular demand, namely the recall votes, seem to suggest that direct democracy is viewed mainly as an instrument of intervention in situations when authorities lose the trust of their constituencies or clearly fail to deliver on issues of particular importance to their population.

At sub-national levels EU issues can be/have been relevant for direct democracy only as far as referendums may concern projects (co-)financed by EU funds (two

¹⁵⁴ Articles 118(2) and 170.

¹⁵⁵ Articles 125 and 235(6).

¹⁵⁶ Smith (2007) *op. cit.* p.73.

known cases: local management of solid waste or locally produced renewable energy), or when realisation of local policies clashes with objectives of policies defined at EU level, e.g. regional road construction plan being incompatible with certain objectives of EU environmental policy.

Initiatives

Non-binding citizens' initiatives at national level are foreseen by the Constitution and by an executive act of 1999.¹⁵⁷ At sub-state level, statutes may allow citizens' initiatives in areas where the local/district/regional level of government has administrative competence, including local taxes.¹⁵⁸ There is a threshold for registration: 100 000 signatures nationally, five per cent of the voivodeship electorate, ten per cent of district or commune/municipality electorate.¹⁵⁹

2.20.2 Participatory Democracy

Few other forms of participatory democracy as defined in this report are practiced in Poland.

Ad-hoc discussion fora are provided by local authorities in relation to particular projects or as a general way to consult and sound out public opinion; authorities make more and more frequent use of social media. Although widely accessible, on-line discussion groups and chats are considered to be cyclical, issue-driven and underexposed.

¹⁵⁷ Act on Citizens' Legislative Initiative (1999).

¹⁵⁸ Act on Communal Self-government (1990); Act on District Self-government (1998); Act on Voivodeship Self-government (1998); Act on Communal referendum (1991); Act on Local Referendum (2000).

¹⁵⁹ Swianiewicz, P. (2010), 'Poland: Europeanization of Subnational Government'. In: Loughlin *et al. op. cit.* pp. 480-504.

2.21 Portugal

2.21.1 Direct Democracy

Referendums

According to the Portuguese Constitution, a referendum can be initiated by the President on a proposal by the assembly/government, or on an initiative by citizens. In the latter case, the referendum may result from an initiative addressed to the Parliament by Portuguese voters, numbering not less than 75,000. Additionally, “the object of a referendum shall be limited to important issues concerning the national interest upon which the Assembly of the Republic or the Government must decide by passing an international agreement or by passing legislation”. A draft referendum shall be binding as soon as it exceeds 50 per cent of the electorate permitted to vote. At national level a referendum has only been held three times since 1976. The first referendum was held in 1998 on ending the criminalisation of abortion. The result was a rejection of the proposal with 50.07 per cent voting against and 48.28 per cent voting in favour. Half a year later a referendum was held on regionalisation in Portugal. The proposal was voted against with 60 per cent of votes. In 2007 a second referendum was held on the decriminalisation of abortion. This time 59.25 per cent voted in favour.¹⁶⁰

The Constitution also permits referendums to take place at both local and regional level. This is done under Art. 232 (regional) and Art. 240 (local). Further legislation for this is currently specified in Law 4/2000.¹⁶¹ A referendum can be initiated by municipalities or parish councils. However, citizens too can initiate such a referendum¹⁶². In municipalities and parishes with less than 3,750 people, the initiative has to be proposed by at least 300 or 20 per cent of those citizens, whichever is less.¹⁶³ In all other cases, it is 5000 voters or eight per cent of the electorate. According to available data, there have only been three local referendums, two in 1999 and one in 2009.¹⁶⁴

Initiatives

The citizens' initiative can only be found at national level. The constitution provides for such possibilities under Article 167. Here it states that legislative

¹⁶⁰ For these figures see the website http://eleicoes.cne.pt/cne2005/sel_eleicoes.cfm?m=raster#ref.

¹⁶¹ http://www.cne.pt/dl/legis_rl_lo_4_2000.pdf LEI ORGÂNICA nº 4/2000, de 24 de Agosto, Aprova o regime jurídico do referendo local.

¹⁶² Article 10. http://www.cne.pt/dl/legis_rl_lo_4_2000.pdf.

¹⁶³ Article 13. http://www.cne.pt/dl/legis_rl_lo_4_2000.pdf.

¹⁶⁴ <http://www.cne.pt/index.cfm?sec=0307000000>.

initiatives can be initiated by members of the assembly, by a parliamentary group, by the government and by a group of registered electors. In the later case, a citizens' initiative will be put on the agenda if a proposal is submitted to parliament subscribed by at least 35 000 voters.¹⁶⁵ Yet, there are also limitations on what can be proposed (for example, budgeting or amnesty).¹⁶⁶

2.21.2 Participatory Democracy

The main modality of participatory democracy in Portugal is **participatory budgeting**, which appears to be working successfully in several municipalities.¹⁶⁷

Some municipalities are reported to have a forum for **on-line discussion**, but these are said not to be running well due to low levels of engagement.¹⁶⁸

¹⁶⁵ Article 6(1). <http://www.parlamento.pt/Legislacao/Paginas/LeiIniciativaLegislativaCidadaos.aspx>.

¹⁶⁶ Article 3. <http://www.parlamento.pt/Legislacao/Paginas/LeiIniciativaLegislativaCidadaos.aspx>.

¹⁶⁷ InfoOP: Sistema de Informação sobre Orçamentos Participativos, <http://www.infoop.org/observ/index.php>.

¹⁶⁸ Pinheiro Neves, J. and Felizes, J. (2007), 'E-participation in Local Governments: the Case of Portugal'. In: Delwit *et al op. cit.* pp. 277-296.

2.22 Romania

2.22.1 Direct Democracy

Referendums

Referendums are foreseen at **national** level. Article 90 of the Constitution provides for the President, after having consulted the parliament, to refer a matter to the voters.¹⁶⁹ It is not possible for an initiative for a referendum to be initiated by citizens. Since 1989, five national referendums have been held: two about a constitutional referendum (1991 and 2003), one on a presidential impeachment (2007), one on reforming the Romanian voting system (2007) and one on parliamentary reform (2009).

Also at **local** level it is possible to hold a referendum on issues concerning the entire community, for instance if there is a change in the territory of the local entity.¹⁷⁰ The mayor can initiate a referendum by sending a request to the council, which then decides on whether to put the matter up for public consultation. It is also possible for the population to initiate referendum in order to recall the mayor. In such a case 25% of the registered voters have to submit such a request and 50%+1 of the voters have to vote in order to make the outcome valid.¹⁷¹ These have been used infrequently.

Initiatives

There is a provision for a citizens' initiative at national level. For this a group of 100 000 voters from one-fourth of the counties or the municipality of Bucharest is required, having collected at least 5000 signatures in each of those counties or the municipality of Bucharest. Issues such as taxation are not allowed¹⁷². Such an initiative is only rarely used.¹⁷³

As far as can be seen, there is no structure for a citizens' initiative at local level. Nevertheless, it appears that in Timișoara, for example, it is possible for Neighbourhood Consultative Councils to make proposals to the local administration (see also Section 3.1).

¹⁶⁹ http://www.cdep.ro/pls/dic/site.page?den=act2_2&par1=3#t3c2s0a90.

¹⁷⁰ Dobre, A. M. (2010), 'Romania: From Historical Regions to Local Decentralization via the Unitary State'. In: Loughlin *et al op. cit.* pp. 685-713, at p.690.

¹⁷¹ <http://legislationline.org/download/action/download/id/950/file/20fe61792d723a1bd6d25c0f882219f0.pdf>.

¹⁷² Article 74 http://www.cdep.ro/pls/dic/site.page?den=act2_2&par1=3#t3c1s3a74.

¹⁷³ http://www.iri-europe.org/fileadmin/user_upload/pdf/5_Schiller.pdf p.2.

2.22.2 Participatory Democracy

To stimulate the involvement of public participation amongst civil society a special centre was created called CeRe, the goal of which is “to support NGOs and public institutions in acquiring the principles and applying methods of public participation”.¹⁷⁴

Participatory budgeting is present in some municipalities, but is not widespread.

There are some indications of successful **citizens' advisory groups**.¹⁷⁵

¹⁷⁴ <http://www.ce-re.ro/ENG/aboutcere>.

¹⁷⁵ http://www.sasanet.org/documents/Curriculum/Budget.%20Literacy%20&%20SAC%20tools/Budgets/Participatory%20budgeting_WBI.pdf ,p.139.

2.23 Slovakia

2.23.1 Direct Democracy

Referendums

The Slovak Constitution provides for the exercise of direct democracy by means of a **referendum**. Articles 93 to 100 of the Constitution describe the procedure and requirements in general. An executive statute of 1992 lays down the practicalities of referendums at **national level**. There are no general, horizontal statutory provisions on **local** referendums in the Slovak legal system. Rather, references to instruments of direct democracy are directly embedded in acts and statutes on territorial self-government.¹⁷⁶

In Slovakia there have been seven national referendums since 1993 of which the last four were valid – those in 2000 and 2004 on dissolution of the parliament, in 2003 on accession to the EU, as well as a referendum on a number of constitutional issues in 2010. The previous three referendums did not reach the statutory quorum for validity.

There have also been some local and regional referendums. Most of these have been on separation of municipalities, inspired by the desire for better access to regional funding and for more independent management of resources. Recall votes of local mayors were introduced in 2001.

Requirements for calling a referendum in Slovakia are as follows

- Local: five per cent of voting population to support the initiative (by signatures), 50 per cent turnout for the referendum to be valid
- National: 350,000 signatures of citizens eligible to vote must support the initiative, 50 per cent turnout for the referendum to be valid
- Budgetary matters and personal appointments are excluded from referendums

¹⁷⁶ Smith (2007), *op. cit.* p. 79.

2.23.2 Participatory Democracy

There have not been many cases of **participatory democracy** in Slovakia,¹⁷⁷ except when a popular mobilisation was linked to a particular referendum campaign, at local or national level. There are a number of third-sector organisations that declare their mission to be the support and fostering of democratic participation and dialogue in the society.¹⁷⁸

The 1990 law No 85/1990 on **citizens' petitions** grants every citizen or group of citizens of at least 18 years of age the right to address the public authorities. There are no provisions on citizens' legislative initiative or other popular agenda-setting instruments, neither at national nor at local level.

European issues have been a subject to referendum only in one case (2003), when the population was asked to confirm or reject the accession of Slovakia to the EU. At local level, EU issues have been absent from referendums.

The European dimension of local democracy is realised through the importance of European structural and cohesion programmes for Slovak communes and municipalities. Appropriation and re-distribution of funding is a frequent motive for local participatory activity. Similarly to the Czech Republic, local development and environment are, alongside administrative reorganisation of municipalities (splitting and fusing of municipalities) the most recurring theme of public campaigns and civic involvement.

¹⁷⁷ Čapkova, S. (2010), 'Slovakia: Local Government: Establishing Democracy at the Grassroots'. In: Loughlin *et al op. cit.* pp. 552-575, at pp.566-568.

¹⁷⁸ Smith, M. L. (2007) *op. cit.* p.79.

2.24 Slovenia

2.24.1 Direct Democracy

Referendums

The **referendum** is the most important form of direct democracy in Slovenia, possible both at national and local levels.

National referendums are provided for in the Constitution (Article 90). They can be called for by one-third of National Assembly deputies, by the National Council (second chamber) or by 40 000 voters. Referendums can be consultative or binding. Confirmative or abrogative referendums, which take place after the adoption but before the promulgation of a legal act, are binding when they fulfil conditions for validity.¹⁷⁹ National referendums in Slovenia have been held on independence (1990), EU and NATO membership (2003), minority rights (2004), regionalisation (2008, invalid due to low turnout¹⁸⁰), settling a boarder dispute with Croatia (June 2010) and national broadcasting law (December 2010). Referendums cannot be held on budgetary and tax-rated matters.

At **local level**, the conditions for referendums are laid down in the Act on Local Self-Government, last amended in 2007.¹⁸¹ The most prominent case of holding a local referendum is for creating municipalities (whether by dividing or merging). In such case only the population concerned has to vote. Municipalities also have the right to hold referendums on all questions within their competences, except budgetary and taxation matters. Upon request of not less than five per cent of the population, a referendum is obligatory.

Similar to provisions on national level, local referendums can either be before held before adoption of a measure, in which case they are non-binding, or they can take place after adoption and have a binding confirmative/ abrogative nature. Detailed provisions are regulated through municipal statutes.

Initiatives

Popular initiatives can be presented to the representative body (municipal council or another municipal body) of municipality for deliberation.¹⁸² If at least

¹⁷⁹ Setnikar-Cankar, S. (2010), 'Slovenia in Transition: Decentralization as Goal.' In: Loughlin *et al op. cit.* pp. 642-662, at pp.646-647.

¹⁸⁰ Vljaj, S. (2008), *Regionalization of the Republic of Slovenia*, University of Ljubljana, available at: http://www.fu.unilj.si/uprava/clanki/letnikVI,%C5%A1tevilka1,2008/LET_VI_stev_1_marec_2008_VLAJ.pdf.

¹⁸¹ Council of Europe (2007), 'Structure and operation of local and regional democracy: Slovenia'.

¹⁸² Article 48, Act on Local Self-Government.

five per cent of the population supports the initiative the issue must be discussed in the representative body and the latter must take a decision within a determined period of time, not longer than three months.

Article 45 of the Constitution also guarantees every citizen the individual right to petition.

2.24.2 Participatory Democracy

Citizens' assemblies take place at local level.¹⁸³ They are called upon the initiative of the local mayor or when five per cent of the population so demands. Municipal statutes lay down provisions on convening an assembly and on methods of decision-making and circumstances in which its decisions should be binding. Citizens' assemblies can give advice and opinions, as well as play a role in **participatory budgeting**.

Other examples include **public deliberations** and hearings – mainly on budgetary matters, **consultations** (frequently for street names), **workshops** and **meetings** with specific target groups, as well **petitions** and **individual initiatives**.

Local authorities also make use of various forms of **e-democracy**, such as e-forums, e-consultations, e-petitions and information portals.

¹⁸³ Article 45, Act on Local Self-Government.

2.25 Spain

2.25.1 Direct Democracy

Referendums

The 1978 Spanish Constitution (SC) provides for popular legislative initiatives, consultative referendums on important political decisions, referendums for ratification of constitutional reforms, referendums for the elaboration and reform of statutes of Autonomous Communities (AC), and for popular assemblies (“cabildos abiertos”). There remains a strong element of central control: the national government still has to authorise all referendums, at state or sub-state level as well as all “popular consultations” at local level.¹⁸⁴ The need for central authorisation of regional referendums only applies, on a literal reading of the constitutional text, to “popular consultations by means of referendum”. Hence, some AC constitutions provide for AC competence for calling “popular consultations” on issues of their competence, but with the explicit exception of “referendums”.¹⁸⁵

Consultative referendums may be called for “political decisions of special importance”.¹⁸⁶ The initiative can only come from the State, and not from ACs or municipalities. No minimum threshold of participation is fixed for validity. Only two have been held: in 1986, on Spain’s membership of NATO; and in 2005, on the EU Constitutional Treaty. Both results were positive.

Referendums on ratification of constitutional reform must be held if the reform is total or essential. Otherwise, a reform may be put to a binding referendum on the request of ten per cent of either chamber of the Spanish Parliament.¹⁸⁷ Only one reform has been made to the 1978 Constitution, in 1992, in order to adapt the provisions on electoral rights to the provisions of the Maastricht Treaty concerning the equal rights of Spanish and other EU citizens to vote in municipal elections. No referendum was held since this was requested by less than ten per cent of the Congress.

The Constitution itself provides for referendums to be held at **regional** level in two cases where provinces would opt for the “special” track in establishing an Autonomous Community – that is, the procedure to reach much more rapidly the

¹⁸⁴ Spanish Constitution (SC), Article 149(1)32 ; Law 7/1985, as modified, Article 71.

¹⁸⁵ STC 103/2008 of 11 September 2008 – see discussion in Ramírez Nardiz, A. (2009), *Democracia participativa. La experiencia española contemporánea*. Doctoral Thesis, University of Alicante. www.ua.es/dspace/bitstream/10045/14215/1/Tesis_ramirez.pdf.

¹⁸⁶ Article 92 + LO 2/1980.

¹⁸⁷ SC, Articles 168 and 167.

maximum possible level of independent decision-making, taking into account the competences reserved to the State by the Constitution.¹⁸⁸ First, in these cases, the initiative for attaining self-government must be submitted to referendum in each of the provinces concerned. This route was chosen by four territories: the Basque Country, Catalonia and Andalusia. Referendums on the Statutes were held in all four AC concerned between 1979 and 1981.

The few referendums which have taken place at regional level (notably the Catalan Statute) have involved major political issues and sensitivities. However, these have concerned constitutional fundamentals rather than day-to-day decision-making. Popular initiatives have not been used much at regional level either. Eleven had been presented by 2009 in the Catalan parliament, for example, virtually all without success.¹⁸⁹

“Popular consultations” are foreseen in the Statutes of some ACs. Three categories may be discerned.¹⁹⁰ In three cases (Catalonia, Andalusia and Aragón), recently-reformed Statutes establish as an exclusive AC competence the organisation of “popular consultations” - defined to include polls, public hearings, participation fora and to exclude “referendums” – where no specific AC competences are concerned. Others provide for AC legislation for implementation of the system (Balears, Castilla y León, Canarias, La Rioja, Murcia, Extremadura, and Valencia). No provisions exist in the remaining ACs.

Initiatives

The Constitution provides for **popular legislative initiatives**, subject to specific conditions and with the exclusion of certain matters.¹⁹¹ A Promoting Committee (“Comisión Promotora”) must first be formed. This committee presents an initiative to the Bureau of Congress. If the Bureau decides not to proceed, the committee can appeal to the Constitutional Court. If the initiative is admitted, the collection of signatories starts. If 500 000 signatures are collected within nine months (extendable to 12) and duly verified, the proposal is published and must be put on the agenda of parliament within six months.

Between 1973 and 2009, around 60 popular legislative initiatives were presented at national level, covering issues such as pensions for housewives, abandonment of nuclear energy, finance of the education system, protection for older people,

¹⁸⁸ SC, Article 151. A referendum is also foreseen for the incorporation of Navarra into the Basque Country.

¹⁸⁹ Colino, C. and del Pino, E. (2010), ‘Spain: The consolidation of strong regional governments and the limits of local decentralization’. In: Loughlin *et al op. cit.* pp. 356-383, at p.373.

¹⁹⁰ Ramírez (2009), *op. cit.* p.435.

¹⁹¹ Article 87(3) + Organic Law (OL) 3/1984 – modified by OL 4/2006. The areas excluded are matters subject to organic laws, taxation, General State Budget, economic planning, international affairs, pardons and reform of the constitution.

help for victims of domestic violence, protection of embryos. None was successful.¹⁹²

Popular legislative initiatives at **regional** level are also provided for in the various AC Statutes. Minimum numbers of signatories vary (from 6000 in La Rioja to 75 000 in Andalusia) as do the matters which are excluded and the precise procedure – although the common basic approach is for a Promoting Committee to present the initiative to the Bureau of the Assembly.

2.25.2 Participatory Democracy

Direct participation in **local** decision-making is in fact the basic rule in some cases. Municipalities which have less than 100 inhabitants, or where this is agreed to be advisable, function under the regime of “open council” (“concejo abierto”), by which local government is in the hands of a Mayor and a popular assembly (“asamblea vecinal”) composed of all citizens with political rights, instead of a representative assembly.¹⁹³

Beyond this, under the relevant Law of 1985, “**popular consultations**” may be held by Mayors on issues which are of specific municipal competence, of a local character and of particular importance for the interests of the inhabitants. Local finance (“Hacienda”) is excluded. Approval by an absolute majority of the members of the Council, as well as authorisation by the national Government, is required.¹⁹⁴ However, some ACs have in practice dropped the requirement for central authorization and now provide in their own Statutes for the convening and regulation of local popular consultations in the form of polls, public hearings, consultation fora, citizens panels and citizens’ juries.¹⁹⁵

Significant reforms were introduced in 2003.¹⁹⁶ First, “**popular initiatives**” may now be presented for agreements, actions or draft regulations in matters of municipal competence. The minimum numbers of signatories is fixed by category of population (20% of inhabitants for municipalities with less than 5000 inhabitants; 15% between 5001 and 20 000; 10% over 20 000). If these numbers are reached, the initiative must be debated in the plenary of the Council. Second, city councils were obliged to create **districts**, with the explicit aim of promoting and developing citizen participation in municipal affairs. Third, a **City Social Council** (“Consejo social de la ciudad”) has to be established,

¹⁹² Ramírez (2009) *op. cit.*, p.346.

¹⁹³ SC Article 140, Article 29 Law 7/1985; 1986 Reglamento de Organización, Funcionamiento y Régimen Jurídico de las Entidades Locales.

¹⁹⁴ Law 7/1985, as modified, Article 71.

¹⁹⁵ Andalusia, Aragon and Catalonia – in Valencia such mechanisms are now governed by a 2008 Law on “citizen participation”.

¹⁹⁶ Law 57/2003.

composed of representatives of economic, social, professional and neighbourhood organisations with the task of producing reports, studies and proposals. These legislative changes were followed in 2005 by a White Paper on Local Government, and new initiatives by the Spanish Federation of Municipalities and Provinces (FEMP) to promote public participation at local level.¹⁹⁷

Spain is one of the leading countries in Europe in implementing **participatory budgeting**. Spanish cities are generally recognised as being amongst the most successful examples, and some (e.g. Seville and Albacete) are notable for their inclusion of minority groups (see section 3.1).¹⁹⁸ A state network of municipalities with participatory budgeting has been created, with a technical secretariat in Málaga.¹⁹⁹

¹⁹⁷ FEMP (Federación Española de Municipios y Provincias), *Reglamento-tipo de participación ciudadana* (2005) and *Agenda local de la participación*. (2006).

¹⁹⁸ Sintomer, Y., Herzberg, C. and Röcke, A. (2008), 'Participatory Budgeting in Europe: Potentials and Challenges'. *International Journal of Urban and Regional Research*, 23(1), 164-178.

¹⁹⁹ See the website <http://www.presupuestosparticipativos.com>.

2.26 Sweden

2.26.1 Direct Democracy

Referendums

The Swedish Constitution provides for both binding and non-binding referendums at **national** level.

Binding referendums can only be held on a proposal for amending the constitution, and if one-third of the members of parliament so demand. The people can only reject the proposal. No binding referendum has ever been held.

Six non-binding referendums have taken place: on the prohibition of alcoholic beverages (1922); driving on the right- or left-hand side of the road (1955); inaugurating a general supplementary pension (1957); the use of nuclear power (1980); membership of the EU (1994); and introduction of the euro (2003).

Referendums are controlled by parliament, which takes the decision to hold a referendum, formulates the question and interprets the result.²⁰⁰

Local referendums have been possible since 1977. Citizens' initiatives to hold referendums were introduced in 1994. Five per cent of local voters may demand a referendum, but the council retains the final decision. By 2007, only a handful of the suggested referendums had been approved by the councils. These cannot be formally binding but it is common for politicians to declare in advance that they will take into account the result when the council takes its final decision. Up to 2006, 105 referendums had been held. Most of the initial referendums were on proposals to break up amalgamated municipalities. Increasingly, they are concerned with issues on which the municipality lacks competence and on which the local authority wishes to exert pressure on central government.²⁰¹

2.26.2 Participatory Democracy

In response to declining voter turnout and increasing citizen distrust in politicians, as well as budgetary pressures, the Swedish Government appointed a Parliamentary Commission on Democracy in late 1997.²⁰² The commission

²⁰⁰ Larsson, T. and Bäck, H. (2008), *Governing and Governance in Sweden*. Stockholm: Studentlitteratur, p.133.

²⁰¹ Lidström, A. (2010), 'Sweden: Party-dominated Subnational Democracy under Challenge?' In: Loughlin *et al op. cit.* pp. 261-281, at pp.269-270.

²⁰² This paragraph is based on Montin, S. (2007), 'Mobilizing for participatory democracy? The case of democracy policy in Sweden.' In: Zittel, T. and Fuchs, D. *Participatory Democracy and Political Participation. Can participatory engineering bring citizens back in?*, London and New York: Routledge, pp.187-201.

presented its report in 2000. This included a suggestion for “more of participatory democracy with strong deliberative qualities”. The Government Bill on Democracy Policy presented in 2002 did not include all the participatory-oriented proposals made by the commission. The main reason was concern that the representative system, and underlying principles of equality, could be put at risk. Among the proposals which were not taken up were the introduction of direct elections to municipal district boards, and a stronger obligation for local authorities to hold referendums on citizens’ demand. Another government commission in 2001 proposed that, if 10 per cent of local citizens demand a referendum, this would have to be carried out. However, citizen-initiated referendum initiatives have continued to be seen as challenges to the dominant model of citizen participation;²⁰³ those in power are usually reluctant to use referendums, one reason being that the outcome often destabilises the political parties or the party system as such.²⁰⁴

The 2002 Government Bill (*Democracy for the New Century*) did make proposals to strengthen citizen participation at the local level. By 2006, citizen advisory organisations existed in nearly all municipalities (97 per cent), while citizen panels had been created in 20 per cent. About half had introduced the right for citizens to suggest items for the Municipal Assembly agenda.

²⁰³ Montin (2007) *op.cit.* pp.192-193.

²⁰⁴ Larsson and Bäck (2008) *op.cit.* pp.134-135.

2.27 The United Kingdom

2.27.1 Direct Democracy

Referendums

Referendums have been little used in the UK.²⁰⁵ In early 2011, however, the UK went through a burst of legislative activity concerning new provisions for referendums both at national level, mainly “plebiscites” on future decisions over future UK participation in the EU, and at local level, in the context of new proposals for localism and “community empowerment”.

At **national** level, the main area of application and debate has been precisely the UK’s participation in European integration. The only UK-wide referendum which has been held, in 1975, was on “whether the United Kingdom should stay in the European Community”. The coalition government elected in 2010 has proposed a “referendum lock” on further transfers of powers from the UK to the EU, in the form of ‘The EU Bill: Restrictions on Treaties and Decisions relating to the EU’. This provides for a referendum throughout the UK on any proposed EU treaty or treaty change - and any use of a ‘ratchet clause’ or a passerelle (bridging clause) - which would transfer new powers from the UK to the EU.

A referendum was held on 5 May 2011 on whether to change the voting system for the UK Parliament to the Alternative Vote method. The result was negative.

Most referendums have taken place over questions of devolution and governmental organisation, and mainly at **regional** level. Referendums have been held twice for Scotland and Wales (in 1979 on devolution and in 1997 for creation of the Scottish Parliament and for the Scottish Parliament to have tax-varying powers, and for creation of a Welsh Assembly); twice in Northern Ireland, on whether to remain part of the UK (1973) and on the 1998 Belfast Agreement; in London in 1998 for establishment of a Greater London Authority; and in the North East of England in 2004 for an elected regional assembly. A referendum was held in Wales on 3 March 2011 on the law-making powers of the Welsh Assembly.

Local referendums have until now only taken place mainly over the establishment of an elected mayor. The election of mayors was introduced in 2002 in England (also possible in Wales but no local councils had done so by 2010; not possible in Scotland). As of 2010, 37 local councils (of a total 353)

²⁰⁵ House of Lords, Constitution Committee - *Twelfth Report, Referendums in the United Kingdom*, 17 March 2010, <http://www.publications.parliament.uk/pa/ld200910/ldselect/ldconst/99/9902.htm>.

had held referendums on their introduction, with most voting against (25 against to 12 passed).²⁰⁶ There have also been referendums on council tax rates and congestion charge proposals.

The UK coalition government has presented proposals for several different kinds of local referendums.

Binding referendums on local authority decisions are foreseen for England and Wales in the *Local Referendums Bill*. A referendum must be held if a petition is signed within six months of the notification of intent to petition by at least 10 per cent of the respective local government electors.

The *Localism Bill* proposes four varieties of local referendum:

-on change in form of governance or change in form of executive on petition by five per cent of the local inhabitants, or by direction of the Secretary of State. This primarily concerns the possibility of directly electing mayors;

-on any question supported by five per cent of local electors;

-on council tax increases; the Secretary of State and the House of Commons will agree on a “ceiling” for Council Tax rises. If a local authority proposes to raise taxes faster than this rate, local people will have the right to approve or to veto the rise in a referendum;

-on neighborhood development orders.

Proposals have been made without success to introduce **citizens’ initiatives** in the sense of agenda initiatives and/or publicly-initiated referendums, both through campaigns and in Parliament.

2.27.2 Participatory Democracy

A variety of participatory tools have been used since the 1990s in the UK.²⁰⁷ **Consensus conferences** and **citizens’ panels** began to be used around 1994, as did **citizens’ juries**. These mechanisms were given new emphasis in the *Governance of Britain* programme. A discussion paper, entitled *A National Framework for Greater Citizen Engagement*, was published by the Ministry of Justice in July 2008, inviting proposals on citizens’ summits, citizens’ juries and a petitioning mechanism for Parliament.

²⁰⁶ <http://www.citymayors.com/government/uk-elected-mayors-2010.html>.

²⁰⁷ Involve (2005), *op.cit.*

The 2008 paper also included the goal that “**Participatory Budgeting** should be used in all local authority areas in England by 2012”. Participatory Budgeting has indeed taken off in the UK.²⁰⁸ This has mainly taken the form of the management of community funds at local and city level, and public/private arrangements. The coalition government elected in 2010 has taken up Participatory Budgeting. The programme “Your Local Budget” was launched in November 2010 with nine Councils selected as pilot schemes, to be expanded in May 2011.

New provisions were introduced for **petitions**. “No10 petitions” or “e-petitions” were introduced in November 2006, with the promise that petitions that attract 200 signatures and meet the guidelines are passed to the appropriate government department for consideration and response. The No10 e-petitions instrument is to be moved to the general *DirectGov* site in 2011, with the promise that petitions that receive 100 000 signatures or more will be eligible for debate in Parliament.²⁰⁹

The Localism Bill proposes other forms of “Community empowerment”:

- “Community right to challenge”. A relevant authority must consider an expression of interest (“EOI”) submitted by a voluntary or community body, charity, parish council, or employees of the authority in relation to providing or assisting in providing a service provided by or on behalf of the local authority.

- “Community right to bid”. The possibility will be facilitated for local groups to purchase assets and take over local amenities which are put on sale.

²⁰⁸ See the Participatory Budgeting Unit website <http://www.participatorybudgeting.org.uk>.

²⁰⁹ (see <http://petitions.number10.gov.uk/> consulted 31 January 2011).

3. Conclusions and Recommendations

3.1 Critical Analysis and Comparison of Mechanisms

There is a great diversity of experience between, and within, Member States. The following examples show cases in which regional or local authorities have succeeded in establishing mechanisms of citizen participation.²¹⁰

Examples of LRA promotion of citizen participation

- **Citizens' councils in Vorarlberg (AT)**

The Austrian *Land* Vorarlberg promotes citizens' councils in its territory with a view to fostering civic involvement in local management and improving the quality of local government. The government has elaborated a practical guidebook for organising citizens' councils, which contains a comprehensive description of the form, purposes and pros and cons of this method.²¹¹ The guidebook provides a very detailed description of all steps in the organization and implementation of this consultative method. It is stressed that the true value of this method lies in the repetitiveness and continuity of citizens' councils.

The method is conceived as a cycle of participation and decision-making and combines various approaches and modes of interaction in an organised, four-stage process. First, deliberations are held in a citizens' council. Afterwards, their results feed into a widespread information process, after which an informative event in the form of a "world café" takes place for the wide public. A third stage is an exchange between the citizens and the politicians in a form of a workshop. Subsequently, the authorities take and implement decisions inspired by the outcome of the council and the subsequent public debate and workshop. In this way citizens' participation takes place through more forms and in a wider timespan, and by feeding into the decision-making earns legitimacy and awards accountability to the decisions of the authorities. There is a continuous, cyclical interplay between the officials and the citizens. The selection of themes, participants and moderation are based on the concept of Dynamic Facilitation (DF),²¹² and aim at keeping the discussions open and creative, and allowing unconventional ideas and solutions.

²¹⁰ For a selection of cases, see the 48 entries submitted in the section of Citizen Involvement for the European Public Sector Award (EPSA) 2009: Project Catalogue, at <http://publications.eipa.eu/en/details/&tid=1834>.

²¹¹ Der BürgerInnen-Rat. Eine Informations- und Arbeitsmappe <http://www.vorarlberg.gv.at/pdf/informations-und-arbeitsma.pdf>

²¹² See <http://www.vorarlberg.gv.at/pdf/informations-und-arbeitsma.pdf>, as well as on pages relied upon by the Guidebook itself: www.wisedemocracy.org and www.dynamicfacilitation.com.

- **Neighbourhood Consultative Councils in Timișoara (RO)**²¹³

Neighbourhood consultative councils are non-political, non-profit organisations for citizens, formed by volunteers acting to improve the quality of life in their communities. They were formed in Timișoara in 2003, following the example of the twinned city of Mulhouse in France, and as a result of the decision taken by the local council.

These organisations make proposals to the local administration regarding infrastructure, traffic, public transportation, environment, playgrounds, public lighting, schools etc., as well as monitoring the way problems are being solved. In addition to the definite results being seen in the neighbourhoods, civic spirit is being developed and voluntary involvement of the citizens is increasing.

People in each neighbourhood democratically elect their representatives: leaders of the councils (president, vice-president, secretary). These representatives have a permanent contact with the local administration and public services. There are clerks at the Communication Department in the City Hall designated to coordinate the activity of the neighbourhood consultative councils. They take part in the meetings of the citizens alongside specialists from the City Hall, local services and local police - depending on the subjects being discussed. Following these periodical meetings in the neighbourhoods (generally each council gathers once every three months), consultative councils make a written description of the session, including problems which have been solved and those still to be solved. Once every three months, the mayor and department directors discuss together with the neighbourhood consultative councils the annual investment programmes. At the end of each year, the organisations come to the City Hall and discuss priorities in their communities for the coming year. Each year, citizens' committees organise events (neighbourhood festivals) to promote voluntary activities and participation. Local people, firms, schools and cultural institutions can all take part in organising the event. The local council financially supports these events.

²¹³ This text is taken from the presentation made by the City of Timișoara for the 2009 European Public Sector Award (EPSA) on citizen involvement (p.189).

- **Active Citizen Involvement in Kaufbeuren (DE)²¹⁴**

Kaufbeuren-aktiv is a coordinating body in the administration, calling on citizens for volunteering and networking, urban management, developing and realising new concepts and ideas, several cross-sectional tasks, as well as professional handling of programmes and concepts. [...] The objective to involve citizens via Kaufbeuren-aktiv is to change the citizen's attitude towards active participation by providing positive incentives. Citizens are changing roles from being solely administered, to being active and treating the challenges of society as something to be dealt with for the good of all inhabitants.

Kaufbeuren-aktiv is the citizens' point of contact for their project ideas, and also where they receive professional support for their implementation. Here they can address the city administration directly without following rules and regulations. Furthermore, citizens can actively contribute to networks and other forms of cooperation. A website constantly informs the citizens about areas for participation, sponsorship, networks and new areas of operations. Long-established networks allow citizens to connect to cooperation partners, thus enabling synergies to be used. The citizen can 'dock' on existing networks (e.g. job godfathers) or become an active member of networks (e.g. member of an accompanying council). Citizens are directly involved in the developmental process of the municipality. By gathering ideas from citizens and in order to realise good governance, Kaufbeuren-aktiv develops an over-arching strategic plan for the whole municipality, as well as a concept for the various areas of activity. It provides guidance and support for project processes and programmes, as well as coordinating and moderating projects and networks. Kaufbeuren-aktiv offers support for smaller project bodies in writing applications for funds and the acquisition of resources and potentials.

Visible results of projects that were mutually implemented by citizens provide additional value for the society and raise their creative potential (e.g. creation of a nature trail, designing and raising a monument, restoration of a railway underpass). Finally, each idea has a multiplier effect since it is discussed and presented in public. Meanwhile, more than 110 citizen projects have been realised and managed by the Kaufbeuren-aktiv, totalling an amount of €2.8 million.

- **Participation in Regione Toscana (IT)**

Tuscany adopted a regional statute on the forms and procedures of citizens' participation in 2005.²¹⁵ The statute lays down conditions for mandatory popular

²¹⁴ This text is taken from the presentation made by the Kaufbeuren for the 2009 EPSA on citizen involvement (p.154).

consultations in the region. To that end the statute also established a regional authority for public participation (*Autorità regionale per la partecipazione pubblica*²¹⁶) with the mandate to identify and coordinate projects of participatory nature, including providing organisational support and helping find topical expertise where necessary, and to assess and follow up on their outcomes. It is thus the channel between the official decision-makers and the participating public. It also elaborates annual programmes for participatory democracy projects across the region and is responsible for organising seminars and events for the formation of local participation leaders.

- **Participatory Budgeting in Seville (ES)**

Participatory budgeting (PB) was introduced in Seville in 2004. It is based on the principles of direct democracy and public co-management (“cogestión pública”). The process is explicitly said to have an educative and social function of increasing citizen participation, and incorporating groups and individuals normally excluded from decision-making. For 2010-2012, the city is divided into 22 Zones, each of which has an Assembly open to all citizens. The Assemblies are coordinated by “grupos motores” made up of volunteers. The first annual meeting votes on the Self-Regulation. Proposals are submitted by citizens and are subject to technical evaluation by officials. Each Assembly then votes on the proposals, and elects delegates to the District and City Councils (which must have equal representation of women and men). The proposals are then “weighted” according to distributive criteria (number and socio-economic situation of the beneficiaries), the characteristics of the beneficiaries (gender, age, disadvantaged groups, LGBT, disabled) and the activity (social integration, new forms of culture, and the creation of an autonomous, participative and committed citizenry). The proposals selected constitute the participatory budget. This is monitored by a follow-up commission.²¹⁷ In 2007-2008, 1722 proposals were presented of which 259 were financed. Between 2004 and 2008 the total financing amounted to around € 50 million. The number of participants in the assemblies rose from 2985 in 2004 to 4580 in 2008.

²¹⁵ See <http://www.regione.toscana.it/diritti/partecipazione/index.html>;
http://www.regione.toscana.it/regione/multimedia/RT/documents/1210079040449_scheda_illustrativa_inglese.pdf.

²¹⁶ <http://www.consiglio.regione.toscana.it/partecipazione/default.aspx>.

²¹⁷ <http://www.sevilla.org/ayuntamiento/delegaciones/participacion-ciudadana/presupuestos-participativos>.

3.2 Some Challenges for Comparison

What may be referred to as the same method can mean quite different things, according to the specific context, in terms of the actual nature and degree of citizen involvement. A good example is Participatory Budgeting (see Box 1).

Box 1 **Participatory Budgeting – European Varieties**

Participatory Budgeting is a specific form of citizen involvement characterised by the following elements: the financial and/or budgetary dimension must be discussed; the city level must be involved; it has to be a repeated process; it must include some form of public deliberation; some accountability on the output is required.

The method originated in Porto Alegre, Brazil, in 1989. By 2008 more than 100 European cities had adopted some form of Participatory Budgeting, mainly in seven countries: France, Germany, Italy, Poland, Portugal, Spain and the UK. However, in Europe, Participatory Budgeting has taken on various specific forms which have important differences between them. These have been classified by Sintomer et al (2008), using four criteria (origin of the process, organisation of the meetings, type of deliberation and position of civil society) into six variants. These variants may be placed loosely against the spectrum of citizen involvement indicated above, ranging from decision-making, through participation/consultation, to information

At one extreme, the variant denominated *Porto Alegre adapted for Europe* does entail the direct involvement of citizens in decisions on concrete investments and projects, with high pressure to realise the proposals which emerge and the potential for good-quality deliberation. The purest example identified in Europe has been that of Cordoba, in Spain (although Seville is now perhaps the best-known example). A second variant, *Participation of organised interests*, follows a more neo-corporatist logic, and focuses on broad political guidelines (such as housing or education) but still entails the potential for good-quality deliberation. The nearest example suggested is Albacete, in Spain.

In the middle are placed two further variants - *Community funds at local and city level* and *The public/private negotiating table* – which are centred around specific funds for investments and projects in social, environmental and cultural areas which are relatively independent of the municipal budget. This leads to a distinctive form of citizen involvement inasmuch as those who participate also implement. These are more characteristic of the UK and Central/Eastern Europe.

At the other extreme are two variants which do not entail citizen involvement in decision-making. *Proximity participation*, usually through existing neighbourhood funds or councils, is purely consultative, and has been characterised as a process of “selective listening”. This is the predominant modality used in France. Finally, the variant of *Consultation on public finances* (which is actually more influenced by New Zealand) is limited to information and making the financial situation of the city transparent. This is the most common model in Germany.

This Box is based on Sintomer, Y., Herzberg, C. and Röcke, A. (2008) ‘Participatory Budgeting in Europe: Potentials and Challenges’. *International Journal of Urban and Regional Research*, 23(1), 164-178. For other overviews of European experiences, see, for example, <http://www.participatorybudgeting.org.uk>; <http://www.partizipation.at/index.php?english> and the materials available at <http://www.buergerhaushalt-europa.de>. For comparison of cases within a country, see, for example, for Germany, Franzke (2010) *op.cit.* and the site of the Spanish network of municipalities with participatory budgeting, <http://www.presupuestosparticipativos.com>.

The empirical observations summarized above confirm the great variety of experiences of direct and participatory democracy across the Member States, as well as the fact that these practices can only be understood in their specific context, and that the significance of particular methods goes beyond their direct impact in specific cases.

Moreover, particular experiences with these methods cannot be compared, or assessed, only as instruments shaping specific decisions. The broader aim in many cases can be to improve understanding and cooperation between the actors involved, or to foster greater awareness and involvement at a more general level concerning policy choices. By way of example, Table 4 indicates the many different considerations which are involved, and which can and cannot be delivered, in most cases, by particular participatory methods, following the model offered by Involve.

Table 4
Which Participatory Method Can Produce what Kind of Results?
(the Involve version)

<i>METHOD</i>	<i>CAN DELIVER</i>	<i>CANNOT DELIVER</i>
DIRECT DECISION- MAKING		
<i>Future Search</i>	<ul style="list-style-type: none"> - Energy - Shared vision - Action 	<ul style="list-style-type: none"> - Action without good follow-up structures in place - On an issue that is not central to the lives of the participants
<i>Community Empowerment Networks (Local Strategic Partnerships)</i>	<ul style="list-style-type: none"> - Voice for the voluntary sector - Training and capacity-building - Improved relationships - Potentially shared vision 	<i>- Community Empowerment Networks function as a catalyst for other forms of participation and regeneration. It will not deliver on its own</i>
<i>Consensus Building / Dialogue</i>	<ul style="list-style-type: none"> - Improved relationships - Consensus / shared vision - Increased legitimacy for decisions - Creative new solutions 	<ul style="list-style-type: none"> - Information representative of society as a whole - Quick results - Clearly identified positions
<i>Participatory Appraisal</i>	<ul style="list-style-type: none"> - Empowered participants - Better relationships - Reliable and valid mapping of local knowledge and priorities - Action/energy - Consensus/shared vision 	<ul style="list-style-type: none"> - Quick results

<i>METHOD</i>	<i>CAN DELIVER</i>	<i>CANNOT DELIVER</i>
<i>Participatory Strategic Planning</i>	<ul style="list-style-type: none"> - A clear idea of where participants want an organisation or community to go - Consensus about directions - Commitment to making things happen - Stronger sense of being a team 	<ul style="list-style-type: none"> - The fine detail
<i>Planning for Real</i>	<ul style="list-style-type: none"> - Community input into local decision-making - Inclusion of participants that are often left out - Buy-in and enthusiasm - Shared vision 	<ul style="list-style-type: none"> - Input to regional or national level unless part of a wider strategy
<i>Open Space Technology</i>	<ul style="list-style-type: none"> - New ideas - Improved and new relationships - Ownership - Shared vision - Action/energy 	<ul style="list-style-type: none"> - Predetermined, specific and predictable outcomes

CONSULTATION		
<i>Citizens' Juries</i>	<ul style="list-style-type: none"> - Decision-making that better reflects the public's views - A high profile example of public engagement 	<ul style="list-style-type: none"> - Wider democratic engagement/empowerment
<i>Consensus Conference</i>	<ul style="list-style-type: none"> - The views of informed citizens and their key issues of concern - Useful and understandable written material suitable for public use - Wider and better informed public debate 	<ul style="list-style-type: none"> - Decisions - Detailed technical recommendations - Results that are representative of society as a whole
<i>Deliberative Mapping</i>	<ul style="list-style-type: none"> - Greater legitimacy for decisions - Information about public preferences towards policy options - Information on the different aspects of an issue 	<ul style="list-style-type: none"> - Consensus / shared vision - Better relationships between groups
<i>Deliberative Polling</i>	<ul style="list-style-type: none"> - A statistically representative view of what the public's considered/deliberated opinion might look like - Increased public understanding 	<ul style="list-style-type: none"> - Improved relationships between groups of participants - Shared views / consensus
<i>Democs ('Deliberative Meetings of Citizens')</i>	<ul style="list-style-type: none"> - A citizenry that feels it can have a say and wants to do so - Some information about common ground and preferences 	<ul style="list-style-type: none"> - Lengthy deliberation - <i>In itself, it does not deliver follow-up to people who have taken part and want more</i>
<i>Appreciative Inquiry</i>	<ul style="list-style-type: none"> - Energy - Shared vision 	<ul style="list-style-type: none"> - Action
<i>Electronic Processes</i>	<ul style="list-style-type: none"> - General input to decisions - Informal sharing of ideas - Improved relationships 	<ul style="list-style-type: none"> - Empowered participants - Strong relationships between participants

CONSULTATION		
<i>User Panels</i>	<ul style="list-style-type: none"> - User perspective - Sounding board on which to test plans and ideas - Relatively quick feedback - Continuing dialogue with users 	<ul style="list-style-type: none"> - Statistical information - Without commitment from management
<i>Citizens' Panels</i>	<ul style="list-style-type: none"> - Picture of public opinion over time 	<ul style="list-style-type: none"> - In-depth understanding of the public's views - Empowered participants - Consensus / shared vision - Improved relationships
INFORMATION GIVING/ GATHERING		

Source: Adapted from the overview in section 4.3 of *People and Participation* (Involve 2005).

Notes: The methods are ranked according to the rating given in a loose ordinal scale of "Where on the spectrum of participation the method works best", ranging from pure information giving/gathering to direct decision-making.

3.3 Some Challenges For Practice

- **Participation and Representativeness**

One issue is the degree and nature of participation. Germany, for example, is a country with a strong record in participatory budgeting. Yet the levels of participation, even among the best performers within Germany, are reported to range from 0.01 per cent in Cologne to 1.5 per cent in Berlin-Lichtenberg. Moreover, those who do participate are not representative of society as a whole, but tend to be predominantly middle-class and middle-aged.²¹⁸

In Spain, despite the important achievements in participatory methods, interest seems to be low even where there are easy channels for activity. The Seville experience of PB has received considerable recognition and has come to be seen as a model for promoting citizen participation with social justice in Europe. Some limitations have also been suggested, however, including low and uneven rates of participation, questions as to the degree of independence of the participants, the complexity of procedures, and weak connection with the most influential associations and organisations in Seville. And, as in the other examples of PB found in Spain, it is associated very much with left-wing political parties and has generally been opposed by more conservative parties.²¹⁹ The level of participation in the districts of Madrid, for example, is under two per cent in most cases. Those who do participate, moreover, may be the same people in all cases. Finally, less than 20 per cent have been citizens acting in a purely individual capacity – half have been representatives of local associations (which may receive support from the authorities) and the rest connected with political groups. It is not self-evident that these actors always act independently, or that they have clear claims to represent the population as a whole.²²⁰

Similar concerns have been reported in the UK regarding participation in “citizens’ juries”.²²¹

²¹⁸ Franzke, J. (2010) *op. cit.*

²¹⁹ See Pérez Serrano, J., Castaño Madroñal, A. y Manjavacas Ruiz, J.M. (2009), *Democracia, proyecto urbano y participación ciudadana. Los presupuestos participativos de Sevilla y otras experiencias andaluzas relevantes*. Sevilla: Centro de Estudios Andaluces.

²²⁰ See Colino, C. and del Pino, E. (2010), *op. cit.*; Ruano de la Fuente, J.M. (2010), ‘Contra la participación: discurso y realidad de las experiencias de participación ciudadana’. *Política y Sociedad*, 47(3), pp.93-108. Navarro, C. J., Cuesta Azofra, M. y Font Fábregas, J. (2009) *¿Municipios participativos?: participación política y ciudadana en ciudades medias españolas*, *Opiniones y Actitudes*, No. 62, Madrid, Centro de Investigaciones Sociológicas.

²²¹ Wakeford, T. (2002), *Citizens Juries: a radical alternative for social research*. *Social Research Update* 37, University of Surrey. <http://sru.soc.surrey.ac.uk/SRU37.html>.

- **Professionalisation and Individual Initiative**

Perhaps paradoxically, another risk may be that successful participatory mechanisms may become so standardised (or “professionalised”) that they lose their distinctive quality. Once there exists a “Department of Citizen Participation” or equivalent, it may become hard for people to see how this is different from any other department which seeks public input and involvement in the spirit of good governance. This may also open the possibility for citizen participation to become an instrument of government, rather than a channel for innovation or contestation.²²²

- **The Need for Real Roots**

Democratic participation at “grassroots” level cannot be imposed and will not be durable unless there are real bases in local organization, and genuine interest. A study of participatory arrangements in Bordeaux, for example, shows that a large number of participatory measures have existed since 1995 under different names and forms (neighbourhood councils; neighbourhood meetings; concertation meetings; sectoral councils; urban workshops; citizen dialogue group; participatory governance committee). Yet the results are rather weak. The mechanisms are not supported by a clear political project; they are not very institutionalised; and citizen participation varies enormously both in numbers and quality. These measures were associated with some specific local political reasons but their origin is directly linked to national and European policies seeking to promote local participation.²²³

Empirical observations across Member States have indeed suggested that in many cases the existence of civil society organisations was short-lived and dependent on the availability of resources provided from the national and/or EU level. Various framework programmes with particular priorities, goals and resources failed to produce organisations and structures capable of survival beyond the scope of these programmes. When programmes came to an end and resources were cut, civil society organisations became inactive as well.

²²² Blakeley, G. (2010), ‘Governing Ourselves: Citizen Participation and Governance in Barcelona and Manchester’. *International Journal of Urban and Regional Research*, 34(1), 130–45.

²²³ Bherer, L. (2010), ‘Successful and unsuccessful participatory arrangements: Why is there a participatory movement at the local level?’. *Journal of Urban Affairs*, 32(3) pp. 287-303.

3.4 Issues And Processes

As indicated in the previous discussion, the extent of diversity is such that caution is required when thinking about “good practices”. Local circumstances vary so much, methods are understood in so many different ways, particular decisions have such distinct consequences, that there can be no simple equation between formal procedure and expected outcome.

However, there are shared goals and issues of common concern, some of which are signalled above, which suggest a different way of engaging in comparison.

Citizen participation, in the perspective of democratic development is not simply a matter of immediate method - (what is the most effective way to establish most accurately people’s preferences concerning an issue?) - but also a question of longer-term process – how does this episode of individual involvement contribute to the consolidation of an active citizenry?

It is generally accepted that participation in local decision-making is important not only for effective policy implementation but also for the democratic legitimacy of government and the growth of responsible citizenship. Moreover, local democracy can serve as a “school of democracy” which could turn individuals into active citizens. Participation at local level can help individuals acquire cognitive and strategic skills, as well as a sense of community enabling them to act in view of the common good.²²⁴

When looking at individual methods, therefore, it is appropriate in most cases to see these not as alternatives, so much as potential steps in a *process* of capacity-building and eventual citizen empowerment.²²⁵ Without information, there can be no consultation, and only after citizens have become actively involved in consultative processes can they be expected to assume a more active participation and eventually an assumption of responsibility in directly shaping decisions also at higher levels.

²²⁴ Zittel, T. (2008), ‘Participatory Engineering: Promises and Pitfalls’. In: Kohler-Koch, B., De Bièvre, D. and Maloney, W., *Opening EU-Governance to Civil Society. Gains and Challenges*. CONNEX Report Series No.05, Mannheim, p.131. See also Talpin J. (2009), ‘Schools of Democracy: How Ordinary Citizens become Competent in Participatory Budgeting Institutions in Europe’ and other contributions to *Learning Democracy by Doing: Alternative Practices in Citizenship Education and Participatory Democracy*, University of Toronto, July 2009.

²²⁵ Cf. Council of Europe (2005), *op. cit.* p.4.

3.5 Citizen participation at local and regional level as a means of forging EU citizenship and identity

There are basically two kinds of way in which citizen participation at local and regional level can be expected to help forge EU citizenship and deepen democracy in the EU.

The first are more **direct**, in the sense that they focus on how specific substantive *issues* can both be of local/regional concern and also be related to EU-level deliberation and decision-making.

The second are more **indirect**, in the sense that they focus more on *processes* of increasing participation, which can be progressively permeated by European dimensions.

The two aspects are of course not mutually exclusive but, on the contrary, should be promoted as mutually reinforcing.

• Direct Connections

LRAs play an important role not only with regard to the practical implementation of EU policies, including those which guarantee the exercise of EU citizens' rights under EU law. They are also usually better placed than other actors to *explain* to citizens that this is the case in an appropriate and understandable way. The kinds of provision which are widely established by LRAs to involve citizens actively in decision-making over projects and programmes, are ideally suited to facilitate a discussion both of the local objectives and the broader context of the issue at stake. Over time, citizens' understanding of these linkages should be expected to help consolidate perceptions of common interest, identity and citizenship.

There appear to be few cases today, however, of any kind of local or regional discussion of explicitly EU-related issues. Some issues inevitably have European dimensions (for example, in environmental or social policy). One can imagine cases in which local concerns could feed into single-issue campaigns which take the form of ECIs. The list of 25 "pilot" initiatives presented between 2004 and 2009 is suggestive of the kind of issues which may be involved.²²⁶ Five were procedural, proposing the introduction of EU citizens' initiatives and referendums. Two proposed specific institutional-political measures (that

²²⁶ There is no official listing of such initiatives. The 25 cases referred to here are those listed in GEF (Green European Foundation) (2010) *The European Citizens' Initiative Handbook*, Luxembourg: Initiative and Referendum Institute Europe (IRI) and GEF.

Brussels should be the only seat of the European Parliament, to ensure a partnership with Turkey rather than accession). Two proposed special international relief measures (to give an extra € 5 billion to African AIDS victims, and to send an international force to Darfur). Four concerned environmental/ ecological interests (to label animal products using Genetically Modified Organisms (GMOs), to impose a moratorium on GMOs, to subsidise biological products, and to end EU use of nuclear energy – including the repeal of the Euratom Treaty). Three concerned the general needs of specific groups of people (the handicapped, cancer victims and the obese). One was limited to a specific practical question (to have a single EU-wide emergency number). The rest reflected concerns of a very general nature (that all EU residents should be EU citizens; to create a pan-European civil service; EU cooperation in justice, to authorise natural therapies in all Europe; to save Social Europe, human dignity and individual development to be fundamental values of the EU, quality public services to be available to all, to ban work on Sunday across Europe). Individual input into such initiatives will be more a matter of effective organisation, than of effective practices of direct or participatory democracy.

More important, direct and participatory methods at local and regional level are almost by definition relevant for issues of specific local or regional concern. People get involved in what matters directly to them and when they perceive the chosen form of action as purposeful and adequate to the issue at stake. It is hard to see how specifically local issues could be transformed directly (bottom-up) into European initiatives on a transnational basis.

There may be an inherent limitation of scale in using some of the most effective local methods for at higher levels, and on EU issues (see Box 2). On the other hand, some top-down initiatives to promote European deliberation of issues have suffered from, among other things, a lack of continuity (see Box 3).

Direct connection-making of this sort is inevitably going to be driven more by top-down than by bottom-up processes in the near future. However, it will not work unless substantively meaningful – and personally interesting - links are made with local concerns, in which respect LRAs have a central role. The key question in this respect is therefore how best to design actions of higher-level support, and to manage their interaction with LRAs, in such a way as to ensure sustained processes of citizen involvement

Box 2

Citizens' Assemblies and the EU: The Limits of Scale

Citizens' Assemblies are large meetings where the members of a constituency come together to decide upon a course of action. They contribute to better governance and democratic legitimacy by fostering a sense of responsibility as well as providing direct input for local decisions. To be effective, they should bring together as many as possible of the interests and preferences present within the constituency; and they should allow for a free exchange of views and arguments between *all* the participants – not just their leadership or merely the better organised groups. Given the importance of representativeness and inclusion, it is hard to see how that Citizens' Assemblies could successfully work at regional or national level.

Moreover, their success also depends on citizen perceptions of results. Citizens' Assemblies have been held on EU-related matters. The German European Institute for Public Participation, in collaboration with the EU institutions and various civil society organizations, held a series of assemblies in German cities (project "BürgerForum Europa 2009"). A similar project was run in 2009 by the Bertelsmann Foundation in all 27 Member States. In addition, some German cities have organised their own citizens' assemblies on European issues, mostly revolving around the future of European social and economic model. All these projects were integrated into the attempts of the authorities to generate momentum before the 2009 European elections. The conclusions of the assemblies were presented to the EU institutions during specially organised conclusive events. However, the link between the decision taken by the citizens' and the action taken by the authorities as a result, which is the most prominent feature of this form of participatory democracy, was missing.

Box 3

The European Citizens' Panel, 2007 – The Challenge of Continuity

The European Citizens' Panel was a pilot initiative in 2007 intended to bring about active citizen involvement in a cross-regional European debate. The deliberations were held in eight different regions: Flevoland (NL), Wallonia (BE), Bavaria (DE), Cumbria and Durham (UK), Rhône-Alpes (FR) and St. Gallen (CH), as well as two panels with a cross-border regional dimension (the Carpathian border region between Hungary and Slovakia and the border region between Eire and Northern Ireland). The Panel was randomly selected and deliberated on future European policies regarding rural issues. At regional level about 600 people participated in the different regions (i.e. about 60 persons per panel on average). After the regional debates, there was a debate at a European level which brought together 87 participants from these panels in a final deliberation on this matter.

The project, however, did not find any continuation either in maintaining the project itself or in generating a broader public debate. Consequently, though the pilot might have been successful, the failure of this project to include other and broader topics, involvement of more people (in a cross-border session) and regions, and the lack of a continuous political and financial commitment, meant that the project remained confined to the specific time and space without establishing a new regional and/or local approach for deliberating about Europe.

• *Indirect Connections*

It is the more diffuse and indirect effects of participatory methods that are seen here as being of greatest relevance when it comes to assessing their potential relevance for European citizenship and democratic development in the EU.

In this respect, one may mention another change introduced by the Lisbon Treaty, namely the addition to the reference to “youth exchanges” of the words “and encouraging the participation of young people in democratic life in Europe”.²²⁷ In other words, there is a legitimate common interest, with a view to forging EU citizenship, not only in engaging people in debate over specific EU issues but in involving them in democratic activity of any sort, with particular emphasis on the young (and mobile). In April 2011, the Council and Member States of the Union adopted a Resolution in this sense²²⁸ which seems very much in line with the CoR Opinion on the 2010 Citizenship Report – “the reinforcement of European citizenship can derive strength from empowering the active participation of citizens in the life of local communities, and particularly the participation of young people, who have greater mobility within the EU.”²²⁹

We therefore start by reiterating that the significance of direct and participatory methods lies not only in the impact on the specific issues involved but also in the practice itself, which can be seen as potentially a *cumulative process* of a more diffuse nature. Such processes can increase individuals’ sense of civic responsibility and their awareness of the possibility of active citizenship, even if the activism is at first on concrete local issues. This may in turn feed into active participation at a higher level: regional, national and European.

The key question for present purposes is to identify steps which can:

- a) contribute to a virtuous circle of deepening citizen engagement; *and*
- b) promote, over time, more active involvement both in EU terms (internalising the EU dimension) and EU practices (participating in multi-level structures).

²²⁷ Article 165 TFEU (former Article 149 TEC).

²²⁸ *Draft Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on encouraging new and effective forms of participation of all young people in democratic life in Europe.* 8064/11, 15 April 2011.

²²⁹ Point 38.

One way in to this would be for EU institutions (notably CoR, Commission and Parliament) and other relevant European actors (notably Council of Europe bodies) to **agree on some priority themes** which are of common relevance across the EU and across levels of governance, and to support a sustained communications initiative around these common themes. Possible examples could be migration and integration; cross-border workers; regional research and development; interregional transport; or waste management.

These initiatives should not be dependent on EU funding programmes in the areas concerned, but serve as points of possible specific EU reference in for processes of deepening citizen involvement.

Higher-level support for local and regional initiatives of this sort can be obtained from EU institutions and European organizations, as well as from Member States. The CoR, together with regional and transnational organizations such as the bodies of Nordic cooperation, Euroregions, or the Council of European Municipalities and Regions, can give more visibility to the use of direct and representative democracy in providing solutions to local and regional problems, and strengthen the networks between sub-national actors. The priorities of the European Commission's "Europe for Citizens" programme under Action 1 "Active Citizens for Europe" and Action 2 "Active Civil Society in Europe" have aimed specifically at providing support for citizenship and civil involvement at the grassroots, and at fostering citizenship also through the European dimension of local and regional democratic life across the EU (for example, by supporting town twinnings, citizens' meetings, thematic networking, citizens' projects, and providing structural support to organisations and projects).²³⁰ Both local and regional authorities and the representatives of civil society are eligible for support through the programme. In its 2010 Citizenship Report the European Commission proposes to establish 2013 as the European Year of Citizens and to this end it will strive to "make it simpler for EU citizens and stakeholders to use the financial support the Commission provides for the development of EU citizenship".²³¹

Another dimension concerns **interaction between direct forms of democratic participation and representative structures.** Interaction between political parties and citizens can lead to a bottom-up approach from the local and regional level to the European level. Yet, such upward movement of policy is not always self-evident or effective. One issue is that ideas which originate at local and regional level are not easily transformed by the EP into legislative proposals due to the EP's lack of the power of initiative. Moreover, the absence of multilevel political parties is a shortcoming of the EU system. The Political Groups in the

²³⁰ http://eacea.ec.europa.eu/citizenship/programme/priority_themes_en.php.

²³¹ COM (2010) 603 final. p.21.

EP today are a collection of political parties, each with its own, often national, agenda. Consequently, interaction with citizens is primarily a matter of interaction between the regions and municipalities and the local representation of national political parties. Those parties may or may not decide to promote the idea with the other parties which are part of the EP Group. If the Group decides to promote the idea, other Groups will also be involved and eventually a request may be sent to the Commission, which may or may not be accepted.

The ECI could change this. Local and regional debates may lead to some proposals for EU action which broaden the traditional channels of European political activity and qualify for consideration by the Commission. To the extent that they involve structured political choices for the EU, they may also force political parties to adopt clear European positions and engage with citizens at the grassroots. If this can contribute to the consolidation of multilevel political parties, then this will also be an important step forward in EU democracy.

3.6 Recommendations

- ***Local and Regional Authorities***

should:

- assume* that active citizen participation should be embedded in local and regional political life as a basic democratic principle;

- explain* to people when there is a direct EU policy dimension to local/ regional decisions;

- promote* cross-border projects and deliberations;

- encourage* the inclusion of EU-wide issues in local/regional debates;

- accept* contestation of EU policies as a healthy politicisation which tends to deepen citizenship in the long run;

- ***EU and other European Actors***

should:

- support* exchanges between LRAs regarding successful practices of bringing about sustained deliberative participation by citizens;

provide *training* and *capacity-building* support for LRAs in being able to identify EU dimensions of local/regional decisions, as well as to communicate them and relate them to local concerns;

-*promote* common themes for deliberation at local/regional level, and establish multi-annual frameworks by which the results of horizontal debates are systematically linked to the EU level of decision-making;

- ***All involved***

should:

-*embrace* the possibility of interaction between more direct forms of democratic participation and representative structures, especially with regard to the consolidation of multilevel political parties.

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