The Routledge Handbook to Referendums and Direct Democracy

Laurence Morel, Matt Qvortrup

Local referendums

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Laurence Morel, Matt Qvortrup
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A growing interest in direct democracy has developed worldwide in recent years. This refers to all levels of governmental systems, the national level, regional states in federal systems and also to the level of local politics.

There are many reasons to take a closer look at direct democracy in local politics. Since states regularly have a local level of administration and often self-government, local politics and policies represent an important part of democratic systems with competences very close to the daily lives of citizens. So, communities and municipalities provide an interesting field of civic participation and of entering political life with easier access than regional or national state politics. This also supports systems of democracy at large and surely is regarded almost everywhere as an indispensable basis of democracy. These qualities can develop when the state grants local self-government with meaningful jurisdictions and not only administrative tasks that were previously under central control. By “local politics” we broadly refer to several forms, with municipalities at the core, but in some states differentiation into districts, wards and so on, and also with counties, provinces or similar as a higher level, which may not all possess explicit rights of self-government. For the sake of brevity, with “local politics” we normally mean the level of municipalities.

Dealing with local politics and local democracy has also gained relevance as, during the last two or three decades, many reforms of local governance have been discussed and practiced. These included on the one hand expanding municipality infrastructure and welfare services and the way in which they can be realized more efficiently, for example by professionalizing or privatizing services. In parallel, the size of municipal units has increased, which has often led to conflicts about municipal mergers. On the other hand, many forms of extending political participation and of activating civil society groups have been explored. The broader concepts of participation have sometimes also included increased citizen influence by way of direct elections of mayors, and of direct democracy in the form of initiatives and referendums. Obviously, direct democracy has been recognized as valuable for individual citizens’ participation and as a tool for supporting local democracy in general.

In the first section we will introduce the basic instruments of local direct democracy and some normative aspects of such institutions. The second section will present an overview of world continents and relevant countries which provide instruments of initiative and
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Local referendums at the local level, including information on practice. The third section will concentrate on the European continent and consider some factors in order to understand the emerging patterns of direct democracy. The fourth section will discuss the variety of instruments and compare country profiles in a large number of states. The fifth section will provide information on the practice of local direct democracy against a background of the variety of regulations and political contexts. Some comparative aspects and conclusions on the impact of local democracy in general will be discussed in the conclusion.

Basic forms and general considerations

Direct democracy can be defined as a procedure which allows citizens to participate directly in decision-making on policy issues in a ballot vote on propositions initiated by citizens or by a governmental authority. Local direct democracy is likely to display the same or similar basic forms which are well known at the national and regional states level. There are two standard types, distinguished by the main actors initiating a procedure which may lead to a ballot vote: one initiated by a group of citizens, the other one initiated by governmental authorities. Procedures initiated by a governmental authority have a “direct-democratic” quality by giving citizens the opportunity to a ballot vote on the authorities’ proposal or draft decision. The full scale-type of a citizens’ initiative contains more “direct” elements of participation since a group of citizens initiates a proposition which can be adopted by the governmental authority in charge, or otherwise a ballot vote will be conducted. In a modified type, citizens request a popular referendum in order to reject or accept a new political decision (e.g. a new legislative act) by governmental authorities. In a second modified but incomplete type, citizens can present a proposal which has to be considered and decided by a governmental authority, without a ballot vote (“agenda initiative”). Another modified version allows citizens to request a ballot vote on their proposal but the authority has the discretion to decide whether it will be called or not.

In a third basic type, mandatory referendum, it is regulated by law that on specific subjects (e.g. constitutional amendments or municipal mergers) a referendum has to be called whether the proposal originates from governmental authorities or from citizens. The recall of elected office-holders or legislative representatives is sometimes also included in the concept of direct democracy. In the strictest sense, this procedure belongs to the institutions of representative democracy by withdrawing an elected mandate. Yet, for pragmatic reasons we follow some countries and authors who include it in the term “direct democracy” as an additional instrument of political control for citizens and the choice to withdraw their trust. Recall can focus on members of local councils and on directly elected mayors.

Local initiative and referendum procedures are normally regulated by the same authorities as other forms of local political participation, like representative institutions and electoral rules, and is most often the state legislature. In one-tier states the national legislature will be in charge of “municipal acts” and similar. Within federations, the sub-national/regional states very often have powers to regulate municipal self-government. In some jurisdictions local governments may be entitled themselves to set rules for local direct democracy.

During recent decades, in the general debate on direct democracy many arguments for and against have been put forward (e.g. Budge, 1996; Gallagher and Uleri, 1996; LeDuc, 2003; Kaufmann and Waters, 2004; Setälä and Schiller, 2009). But one fundamental point does stand out: through initiatives and referendums citizens can participate in discussing and deciding on specific issues and not only on parties and candidates, and that thereby the democratic principle of political equality may be strengthened. As many issues are not
discussed in general elections, citizens need other channels to articulate policy preferences. Opportunities to participate will increase access and motivation to receive information, expand the competence of citizens and support the openness of the political process. Counter-arguments stress that in large states citizens cannot be directly present in decision-making publics and therefore must be represented by elected bodies, that many policy subjects are remote and abstract for citizens, and that ordinary citizens do not have enough competence, time and information to judge complex matters. In general, these concerns suggest that direct democracy undermines intermediary institutions and responsible political actors and, thus, will weaken representative democracy.

These controversial arguments may generally also apply to direct democracy at the local level. Some negative aspects, however, are not convincing here. First, the argument that large state territories can only be governed by representative institutions does not apply to the local level of politics. Second, many issues in the municipality are without doubt very close to citizens, to their needs and interests as well as to their attention. Sometimes they may be less complex than at higher state levels, but even with more complexity citizens on average will have more opportunities to gain relevant information, criteria to judge and to participate in discussions and deliberations with many fellow citizens to form their opinion and decision. In this way, local direct participation can also contribute to more acceptance, effectiveness and legitimacy of local governance, and serve as an area of learning and experience in democratic decision-making for overall system of democracy.

An overview across continents

Before entering into the descriptions and analytical aspects in the field, we first take a look at how institutions of local direct democracy are distributed around the world. An overview by continent indicates that in Africa and Asia only a small number of countries provide initiative and referendum instruments, whereas in North America and Latin America a much larger number of (sub-)states offer such procedures of participation. For these world regions we cannot present elaborated summaries but instead we concentrate on some introductory observations on their main characteristics. We will have a closer look at European countries in the next sections.

In Africa, only Cape Verde, Ghana, Malawi, Nigeria and Uganda have been listed as offering legal provisions at the local level (International IDEA, 2008: 202–211). The reason that most countries do not provide a legal basis are twofold: in the framework of autocratic political systems, dominated by presidents and one-party structures, direct democracy features are generally very rare in African countries, and in addition these countries often have a low level of decentralization and municipal autonomy (Kersting, 2014: 203). Information on practices in the countries mentioned above is (basically) not available.

In Asia, the situation seems to be more diverse. In Central Asia, seven countries which were formerly part of the Soviet Union appear on the IDEA list with legal provisions for local referendums. The lack of information may coincide with little practice and with the overall authoritarian legacy of these states. Countries in the East Asian region show a partially different picture. Here, Japan, South Korea, Philippines, Taiwan and New Zealand have legal provisions and at least some practice (Hwang, 2006: 71 ff.).

In Japan, until 1996, plebiscites on local mergers prevailed. Since 1996, local assemblies have had the option to pass local referendum laws, which enabled many local referendums, mainly on environmental subjects, including the establishment of nuclear plants and opposing central government policies (19 referendums from 1999 to 2010). The results
are, however, not binding (Hwang, 2006: 75 ff.: Igarashi, 2006: 311–322; Okamoto, Ganz, Serdült, 2014).

The Philippines adopted local initiatives and referendums on the basis of the Constitution of 1987 (during Cory Aquino’s presidency) and the ensuing Initiative and Referendum Act of 1989 which regulated the form of local initiative and local referendum to be initiated by the local legislative body (Sec. 13 and 17). There had been previous legislation: between 1963 and 1989, 131 cases of local referendums (plebiscite) have been reported, and 210 cases were held from February 1989 to March 2001; in most cases the issue was creation or division of local political units (Hwang, 2006: 155–175, 288–290).

In 2004 South Korea, during the presidency of Roh Moo-hyun, introduced local referendums (plebiscites) called by the chief executive or local council, and local referendums initiated by residents. In 2004–2005, on the issue of sites of radioactive waste repositories, one civilian local referendum was held (not formally accepted, but politically accepted) and four plebiscites were accepted on the same issues. Another plebiscite referred to mergers of cities and of counties, which was accepted (Hwang, 2006: 89–97, 280–281; Lee, 2006: 329–331).

In Taiwan, the development of local referendums started on an unexpected path. In 1990, a private group with significant support started a local referendum in order to protest about a petrol refinery’s pollution issues (Houching). The government rejected the result as merely consultative and not legally binding but negotiated a compromise solution with the residents. The next referendum arose in 1994 from the conflict about the plan for the Fourth Nuclear Power Plant in Kungliao, Taipei County, which was opposed by local residents and governments. The local government held a referendum which was not accepted by the central government because such plebiscites had no legal basis. With more referendums on the same and other subjects, such as economic developments, local governments tried to establish this kind of informal, consultative referendum on the policies of the central government. Based on a constitutional clause, the Referendum Act of 2003 regulated two instruments of local direct democracy: the referendum and the initiative, which have different goals, but both can only be initiated by citizens. A referendum to be initiated by local authorities (plebiscite) has not been included, and attempts to provide this by local referendum laws has proved to be difficult (Hwang, 2006: 103–123; Tedards, 2006: 361–369).

Summarizing these Asian countries leads to two striking observations. Local referendums (and initiatives even more so) have a weak legal status and their results are most often non-binding and purely consultative (this also applies to New Zealand; Harris, 2010). In Japan, Taiwan and partly in South Korea their main function is not to primarily influence local policies but to strengthen the position of municipal authorities against central government policies, particularly on issues of environmental protection. These mechanisms seem to be a unique feature, compared with other world regions.

The United States is famous for its very rich direct democracy provisions at the state level in 28 states, and also for frequent practice in many of them. In this kind of democratic environment it is no surprise that on the local level direct democracy is also available with similar patterns of regulations and practice. In several states that do not provide initiative and referendum instruments at the state level there are legal rules for direct democracy at the local level.1 In general, available instruments of initiative and referendum for municipalities, counties or school districts are similar to the procedures at state level, and usage is frequent. Procedural requirements for signature quorums and validity of ballot votes are on the liberal side, and in many states a broad range of subjects are admitted, including bond and tax issues. It is impossible to present broad documentation and draw analytical conclusions from it here. As just one example, in Californian municipalities alone, 627 local ballot votes were
approved and 196 defeated in 2016, with bonds and taxes (more than 400 approved) and marijuana as the most frequent subjects. An abundant base of information on the frequency and distribution of subjects is being provided continuously by Ballotpedia (ballotpedia.org).

Latin America is a world region with direct democracy rules and practice at the state level in almost all countries, and is thoroughly discussed in a broad literature (Lissidini, Welp and Zovatto, 2008; Altman, 2011, 2014; Lissidini, Welp and Zovatto, 2014). The sub-national and the local level also have regulations and practices but have been researched to a much lesser degree. For a brief account of the local situation we therefore do not have available a matching level of comprehensive and systematic descriptions and analyses. Only a few aspects and country examples can be mentioned here. Regulations for local instruments of direct democracy are being documented for 16 countries in the region (direct-democracy-navigator.org). In some states national legislation sets the rules for local instruments, like in Bolivia (plebiscite and citizen initiative), in Chile (plebiscite) and in Ecuador (agenda initiative). In other countries of a more federal character like Argentina, Brazil or Mexico, sub-national units or municipalities themselves establish regulations for local level procedures. So, the frequency of basic forms show significant variations: In Argentina, 16 popular (agenda) initiatives, 14 plebiscites (consultas) and 6 local obligatory referendums are available locally, adding up to 36 instruments, of which more than one are available in a small number of municipalities (for more on Argentina cf. Arques, 2014). In Brazil, established procedures (47) are distributed between obligatory referendums (22) and other plebiscites (6), while local agenda initiatives and popular/citizens’ initiatives share the rest; again, some municipalities provide several of these instruments. For Mexico, a similar pattern of instruments has been reported in 71 cases, with many localities offering several procedures. It can already be seen that government-initiated forms like obligatory referendums and plebiscites (consultas) play a major role in this pattern of measures of direct democracy – not very surprising in the environment of political systems where plebiscites also dominate the scene of direct democracy at the national level.

It is difficult to find data or elaborated comparative reports on the usage of these local instruments for many countries, and such work could not be done for an overview like this. Fortunately, for Chile a recent report discussed the development of legal instruments as well as practice at the local level (Altman, Agüero and Salas, 2014). It describes three procedures of direct democracy: plebiscito comunal, referéndum communal and consulta comunal; the third form can only be initiated by the mayor, has no explicit regulation, and the result of the ballot vote is not binding and has no legal consequences. In the period 2002 to 2012, only one local referendum (citizen initiated) in one municipality was carried out, and three local plebiscites (initiated by a mayor and local council, and binding). The consulta comunal (initiated by a mayor), however, has been practiced in 30 cases in various municipalities (results 50–50). This means, from the viewpoint of citizens, that the weakest instrument has the dominant role in Chilean local politics. For many states in the Latin American region similarly low figures of usage seems likely.

**European countries: developments and background**

For large parts of the world we cannot offer an elaborated account of direct democracy at the local level but only short introductions to the main characteristics. Even though these continents have been investigated thoroughly, for example the United States, attempting a systematic summary would have been beyond the scope of this article. For Europe, however, we will try to provide a more detailed overall picture. Recent developments in many
European countries show an interesting variety of institutional and practice patterns which invite some preliminary comparative observations. Even if not all states in Europe can be documented here, a majority of countries (which can serve as a sample) will be included in our discussion, which is based on my book *Local Direct Democracy in Europe* and the country reports included within it (Schiller, 2011a).2

Since the 1990s, direct democracy in local politics has made remarkable progress in European countries. Before dealing more closely with these developments and patterns, a brief look at some historical steps in the last century in the context of democracy in general may help to understand some factors for the evolving patterns of direct democracy at the local level.

The history of democracy in general has been quite diverse in European countries. In some “Western democracies” long traditions supported stable political systems, like Switzerland, Liechtenstein, the Nordic countries and the United Kingdom. In other states democratic systems had been interrupted by periods of dictatorship like Germany, Austria, Italy, Portugal and Spain, or been occupied like Belgium, Denmark, France and the Netherlands. East and Southeast European countries, after former authoritarian rule or occupation, suffered communist domination for decades and could transform themselves into democracies only after 1989–1990.

Switzerland, of course, has a long tradition with institutions of direct democracy at national, cantonal and municipal levels, but introduced equal voting rights and instruments of direct democracy much earlier at the federal and cantonal level than at the level of municipalities. Initiatives and referendums in cities were only introduced in the 1880s and 1890s (Buetzer, 2007: 34–43). In Liechtenstein, direct democracy at the national and local levels started at the time of the new constitution in 1921. Developments like these had been rare. The first local referendums before World War I occurred in Norway, and a few cases in France and Italy, but these beginnings did not last. Germany’s “Weimar Republic” introduced direct-democratic institutions at the national, regional and local levels in 1919–1920 which *de facto* ended in 1933. After 1945, most countries in Western Europe were able to restore democratic systems but did not show much interest in direct democracy, except in few countries which, however, did not establish direct democracy at the municipal level during this period.

In Eastern Europe after 1989, in the course of the democratic transformation and the struggle for independence, several countries introduced direct democracy at the national level as an instrument and symbol of popular sovereignty (Auer and Buetzer, 2001). Some of them extended initiative and referendum instruments to the municipal level, except the three Baltic States (Avtonomow, 2001).

In Western Europe, in the 1980s and 1990s, countries like Italy, France, Great Britain and the German states finally introduced at least some new instruments for more civic participation in local politics, including institutions of direct democracy. For a long time, the first three countries had a centralist administrative tradition which put some limits on municipal self-government. Since the 1980s, cautious developments towards broader administrative regionalization and decentralization have provided a more favorable context for local participation instruments, but with a still restricted role for initiatives and referendums (Kersting and Vetter, 2003; Delwit et al., 2007). In Italy, the state’s legitimacy crisis, and the breakdown of Christian Democracy Party and their allies in the early 1990s added some momentum to this process of decentralization as a precondition for more citizens’ participation.

In Germany the situation has also been rather complex. From 1956 up to 1990, local initiatives and referendums existed only in the regional state of Baden-Württemberg. First,
the breakdown and democratic transformation of the German Democratic Republic (GDR) in 1989–1990 opened the way in the new East German states to introduce direct democracy at state and municipal level at the same time. Second, in the West the state of Schleswig-Holstein in the late 1980s suffered a serious legitimacy crisis from the “Barschel affair”, and the resulting new constitution of 1990 introduced direct democracy instruments at state and local levels (Schiller, 2011b). An important third factor has to be added: administrative reforms for municipal government in most West German states which strengthened executive power by direct election of mayors, tried to balance this by introducing initiatives and referendums. Since the 1980s, administrative reforms in several other states has included merging municipalities, for which referendums (often consultative) were used, for example in Denmark, Finland, Norway and Sweden (for an overview on local governance reforms: Kersting et al., 2009).

For these new developments in Western Europe a more general political trend should not be forgotten: emerging new groups in party systems in the 1980s; in particular the Greens in many countries have been advocating participatory democracy. This also applies to D’66 in the Netherlands, the Radical Party in Italy, and the Liberal Democrats in the UK which supported post-materialist values in general public discourse (Nijboer, 2004; van Holsteyn, 1996; Verhuelst, 2004).

Since the 1990s, these new tendencies in Eastern and Western Europe have also been advanced by recommendations of transnational institutions like the Council of Europe which, through the Committee of Ministers responsible for Local Government, adopted a resolution on local referendums in 1993. This was elaborated further by a recommendation to member states in 1996 which defined basic instruments and features, identified main areas of regulation and suggested that a legal framework should be laid down for referendums and popular initiatives at the local level.3

The following sections will show that these general developments did not result in uniform rules or practices of local direct democracy in European countries but instead that the forms of procedures and the usage of them vary quite substantially. Bulgaria, France and Slovakia, for example, display very little activity, whereas in Poland, the Czech Republic and in several German states a much more frequent usage can be observed.

**Forms of local direct democracy in Europe**

We will now look at the different forms of direct democracy and other factors which may influence these variations of practice in the countries to be compared. As mentioned earlier, local initiative and referendum procedures are normally regulated by the same authorities as other forms of local political participation like electoral rules. In one-tier states the national legislature will be in charge of “municipal acts” or laws with similar names. Within federations, regional states regularly have jurisdiction to set the rules of municipal self-government, like in Austria, Germany and Switzerland. In countries where the powers of regions have only developed recently, as in France or Italy, the situation is more diverse. In fact, France still regulates municipal affairs by national legislation. In Italy, however, the laws of 1990 and 2000 decentralized decisions on local participation by giving some regulating powers to regions and allowing municipalities to permit consultative referendums in their statutes at the request of an adequate number of citizens (Uleri, 2011).

The basic procedures of direct democracy need regulations on many aspects unless governmental authorities are entitled to call referendums and set rules on an ad hoc basis. The main regulations can be summarized as follows:
Local referendums

- First, specific subjects may be excluded from initiative or referendum.
- Second, for citizens’ initiatives, regulations refer to the form of the proposal, the number of signatures required, time and other criteria allowed for collecting them, and specific institutional interactions. In addition, for government-initiated referendums the authorities entitled to make the call (executive, legislature) and procedural requirements have to be defined.
- Third, rules define the procedural steps and requirements of a ballot vote, like eligibility to vote, date and circumstances of voting, and criteria for the validity of the vote if more than a majority of votes cast is required, for example approval or turnout quorums or double majorities in different territorial units.
- Fourth, whether a ballot vote shall have a binding or only an advisory (consultative) quality.

At the national and regional state levels we encounter a wide variety of such regulations in Europe and the world (Kaufmann et al., 2005; International IDEA, 2008). At the municipal level, similar forms might be expected but we also find some variations typical of the local level. If direct democracy does not exist at higher state levels, quite often no or weak forms of local direct democracy may be found.

**Main forms at the local level**

Mandatory referendums are very rare in local politics. The territorial unity of a municipality stands out, however, as a basic issue, as separation of a municipality or merger with other units quite often requires a mandatory referendum. Examples are the Czech Republic where a mandatory referendum is required for the separation, and Italy for the merger, of municipalities. In Sweden, no mandatory referendum in a formal sense for mergers is in place but in practice a referendum is de facto regarded as mandatory. In the area of public finance, in Liechtenstein and in many Swiss municipalities referendums have to be called if public expenditures or borrowings exceed a specified (relatively large) share of the budget.

Government-initiated referendums have a long tradition in France, where the president can call a referendum on important issues at the national level. When referendums were introduced at the municipal level (1971, on municipal mergers) this pattern prevailed with one important difference: referendums can be called by the mayor as well as by the local council. An initiative right was added only in 2003. The mayor or the majority of a local council can also call a referendum in Austria, whereas only the council majority has this power in Finland, Norway, Poland, Slovakia (on specific subject matters), the Czech Republic, Slovenia and Sweden as well as in a number of German states. In several jurisdictions, the referendum vote has only an advisory status, as in Finland, Norway and Sweden.

The citizens’ initiative in the full-scale form (resulting in a ballot vote) is available in several countries. The case of the Czech Republic is interesting as this country does not offer any direct democracy at the national level. We also find the instrument in Bulgaria, France, Germany, Liechtenstein, Norway, Slovakia, Slovenia and, of course, in Switzerland. In Germany, the regional states which regulate municipal laws also provide the citizens’ initiative (Bürgerbegehren). While up to 1990 it was only available in Baden-Württemberg, during the 1990s all other states also introduced the instrument, and finally the city-state of Berlin for the city-district level in 2005 (Schiller, 2011b).

Although practising the citizen-initiated abrogative referendum at the national level since 1970, Italy only developed direct democracy forms at the level of regions and municipalities
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<th>Table 3.1 Local direct democracy instruments in Europe</th>
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<th>Mandatory referendum</th>
<th>Government-initiated referendum</th>
<th>Popular referendum (citizen-requested referendum)</th>
<th>Citizens’ initiative</th>
<th>Agenda initiative</th>
<th>Recall</th>
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<td>Slovakia</td>
<td>Local Assembly (on territorial changes, mergers, dissolutions)</td>
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<td>Sign. quorum: 30% of electorate Valid. req.: turnout 50%</td>
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<td>Local assembly or 30% of electorate</td>
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<td>Slovenia</td>
<td>Municipal Council</td>
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<td>Sign. quorum: 5% of electorate</td>
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<td>Sweden</td>
<td>(de facto on mergers)</td>
<td>Municipal Council Result: consultative</td>
<td>10% of electorate (constitution amended as of January 2011)</td>
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<td>Switzerland</td>
<td>Many municipalities: spec. share of budget</td>
<td>2.5–20% of electorate, often low absolute number</td>
<td>2.5–20% of electorate, often low absolute number</td>
<td>“Motion“ (individual citizen)</td>
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<td>United Kingdom</td>
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<td>5% only on direct election of mayor, since 2001</td>
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Source: Schiller 2011a (Introduction)
Local referendums
during the 1990s. The type introduced for local politics is the consultative referendum (by municipal decision), whereas some municipalities introduced a referendum requested by the citizens to abrogate a decision of representative authorities in their statutes. In Bulgaria the procedure for citizens’ initiatives had been very restrictive until a reform in 2009 made it more moderate. A resulting ballot vote, however, is only binding if initiated by 50 percent of the registered voters, otherwise it is only advisory.

Agenda initiatives represent an “incomplete form” of an initiative by which a proposal can be submitted to a defined governmental authority, most often the local council, and put on their agenda; they then have the power to make a decision. There are, in fact, two sub-types: in one, the authority considers and definitely decides on the proposed subject matter; in the other, the authority also has the discrete power to choose whether a referendum shall or shall not be held on the proposal. One case for the first type is Austria. A major example for the second type is Finland, where 5 percent of the electorate can ask the local council to decide whether to call an advisory referendum on their proposal or not.

Popular referendums to veto a proposal or decision made by a local authority can be requested by citizens in Switzerland and Liechtenstein; in Bulgaria, German states and Poland the same rules are applied as for citizens’ initiatives, plus a time limit for the request following the authority’s decision. In Italy, some regions allow citizens to demand consultative referendums and, in some cases, abrogative referendums (at the national level) through which citizens can request a ballot vote to abrogate (delete) an existing piece of legislation or regulation.

The recall of elected representatives can apply to members of a local council and/or to a directly elected executive office-holder like the mayor. In Poland, a popular vote to recall the council can be initiated by citizens, and since 2004 to also recall the directly elected mayor. In Austria, a recall of the mayor can only be started by a majority of the local council; and in several German states by a qualified majority, followed by the popular vote. In Slovakia, both ways are possible.

Regulations and profiles
Restrictions or exclusions of subject matters
Restrictions or exclusions of subject matters are much more common in local affairs than at the national level. The narrowest definition was introduced in 2001 in the United Kingdom where citizens’ initiatives are only allowed on the question of whether the mayor shall be elected by direct vote. Other countries define special policy areas where referendums are allowed, for example in Norway for alcoholic licenses or for choosing school language. In many countries taxation and budgets are excluded or at least restricted as subjects of initiatives and referendums, as well as administrative staff affairs (e.g. Bulgaria, Germany, parts of Italy). Zoning/city planning, as a very important area of local policies, is excluded in a majority of German states. Sometimes, general terms for included subjects have been used, for example “matters of importance to the commune”, as in Poland for optional referendums up until 2003.

Signature requirements for initiatives
The number of signatures required for launching a citizens’ initiative represents a most important hurdle, can vary significantly and can create a liberal or restrictive design. Since an agenda initiative does not lead to a ballot vote, the requirements are usually lower than for a full-scale citizens’ initiative, but nevertheless variation ranges from 2 percent for a
petition in Finland, 0.5–5 percent in Germany, 5 percent in Bulgaria and up to 20 percent in Austria. For a full-scale citizens’ initiative it should be noted that Switzerland shows a divided picture: municipalities in the German-speaking cantons have low signature requirements, mostly around 5 percent of registered voters; whereas in the cantons of Roman tradition the quorum is much higher, mostly 15 to 20 percent. Slovenia requires 5 percent of the electorate, Liechtenstein 16.7 percent, France 20 percent and Norway 25 percent of registered voters. Bulgaria reduced their requirements from 25 to 10 percent in 2009. In German states, signature requirements average around 10 percent and range from 5 to 15 percent; in some states the requirement starts at 10 percent in small municipalities and decreases to 3 percent in large cities, for example in Bavaria, Hesse and North Rhine-Westphalia. Similarly, in the Czech Republic, 30 percent of the electorate are required in towns up to 3,000 residents, decreasing to 6 percent in cities with more than 200,000 residents. Thus, the overall tendency seems to lean towards the rather restrictive signature requirements of 10 percent or more.

Validity requirements of ballot votes

Ballot votes can vary in the quality of their results. The first question is whether a vote is regarded as valid. In some countries, referendum votes are valid when a majority of votes cast has been reached. In other states additional validity requirements must be met. There can be a turnout quorum, for example in France, Italy, Slovakia and in Bulgaria (until 2009: 50 percent; since 2009: same turnout as in last council election), and in the Czech Republic (25 percent; since 2004 increased to 50 percent!). A different version is an approval quorum, like in Germany where in most states a majority of votes cast must also include about 15 to 25 percent of all registered voters. Poland requires a majority of two thirds in a mandatory referendum on “self-taxation” of municipalities. That means that we see a rather high ratio of countries which require turnout quorums.

Binding or advisory

Even if a ballot vote is valid, the result may be binding or only advisory (consultative). In Finland and Sweden, all referendums (called by the local council) are only advisory and not decisive; the same is true for Norway in referendums on school language. In Italy, municipal statutes can only permit consultative referendums to be initiated by citizens. In a few countries, a ballot vote is only advisory up to a certain share of votes, and binding if the positive vote exceeds that level (Bulgaria). In Poland, the result of a recall referendum is binding if the voter turnout reached 60 percent of the turnout in the last respective election. Other countries attribute a binding character to their referendums.

Country profiles

The quality of design of local direct democracy procedures depends not only on one regulation element but rather on their combination, which can be summarized by country profiles with weak or strong features. We regard low signature quorums, low validity requirements and the binding quality of a ballot vote as strong features since they invite citizens’ activities, whilst high quorums for signatures and ballot validity, and an advisory quality are seen as weak features restraining citizens from acting (Table 3.2). For even more complex profiles, the exclusion or admission of subject matters would have to be added to a full picture.
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Table 3.2 Procedures of direct democracy: country profiles

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Ballot vote: binding</th>
<th>Ballot vote: advisory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal (~5%)</td>
<td>Strong: Switzerland (German-speaking cantons)</td>
<td>Italy</td>
</tr>
<tr>
<td></td>
<td>Germany (few states)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Slovenia</td>
<td></td>
</tr>
<tr>
<td>Medium (~10%)</td>
<td>Czech Republic</td>
<td>Sweden (since 2010)</td>
</tr>
<tr>
<td></td>
<td>Germany (majority of states)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Poland</td>
<td></td>
</tr>
<tr>
<td>Restrictive (~15% or more)</td>
<td>France</td>
<td>Bulgaria</td>
</tr>
<tr>
<td></td>
<td>Liechtenstein</td>
<td>(Denmark, mainly referendum)</td>
</tr>
<tr>
<td></td>
<td>Slovakia</td>
<td>Norway</td>
</tr>
<tr>
<td></td>
<td>Switzerland (Roman cantons)</td>
<td>Finland</td>
</tr>
</tbody>
</table>

Weak

Only three countries show a strong profile, four belong to a medium category, and several countries have either restrictive regulations or have an altogether weak profile. We can assume that strong profiles invite more practice and relevant influence, whilst weak profiles of regulation lead to rare practical usage or little influence for citizens. But some other factors like system context or political culture, and issues and size of municipalities may also contribute to practice and impact.

For some countries not mentioned so far, a brief overview is presented. Belgium has allowed local (consultative) referendums since the 19th century, was newly regulated in 1995, but with strong restrictions (40 percent turnout quorum), so it has been used only in rare cases, mainly since 1995 (Verhulst and Nijeboer, 2007: 20 f.). In 1988 Luxembourg introduced a consultative local referendum which can be requested by at least 20 percent of voters, but not more than five ballot votes took place before 2003. In the Netherlands, apart from some forerunners since 1912, local referendum instruments were only adopted in the 1990s by municipal by-laws, particularly in larger cities, such as Amsterdam. Of more than 100 consultative referendums, about half dealt with municipal mergers, others with construction planning, traffic issues and other environmental (Van Holsteyn, 2001; Verhulst and Nijeboer, 2007: 66). In Spain, only a very small number of local referendums can be held, due to strongly restrictive regulations, which include that a local referendum even needs to be agreed to by the national cabinet. In Hungary, between 1999 and 2006 some 120 local referendums took place, of which almost half were mandatory referendums on municipal mergers or separations; business or waste disposal projects also represent frequent subjects. The number of citizens’ initiatives has been rather small (Soós, 2003: 253 f.; Smith, 2007: 69 ff.). In sum, in this group of countries, Hungary and Netherlands represent substantial rates of activity, whilst very little usage can be identified in the others.

Some further aspects of regulation may be relevant but cannot be presented in detail here. One question is which institution is in charge of a check of admissibility of an initiative or a referendum call. A second question refers to rules for voter information related to a ballot vote. For the process of a citizens’ initiative it will be interesting to see whether or not councils or mayors are able to present a counter-proposal to the citizens’ proposition. An important factor can also be legal matters and the role of courts in the procedure.
Theo Schiller

Practice

The patterns of practicing local direct democracy vary in many respects, particularly which procedures are most prominent, how frequently they are used, which issues are dealt with and how citizens participate in the processes.

The frequency of using the procedures varies significantly between countries. Obviously, Switzerland (cantons of German tradition) ranks at the top, whilst Bulgaria, France, Slovakia and the UK show very low levels of activity. In the middle ranks we find several states of Germany, Norway, Poland and Sweden and, somewhat behind, the Czech Republic and Finland. In a few countries we see, since the 1990s, at least an increase from a rather low level of usage, for example in Italy. Such a ranking only counts absolute figures of initiative and referendum cases and can only give a rudimentary impression. A more sophisticated measure would have to take into account at least the time during which the instruments have been used, the size of the population and the number of municipalities, but this cannot be done here.

Countries differ substantially in which main types of procedures are available and used. Mandatory referendums exist only in few countries, and frequency is highest in Switzerland. Referendums initiated by governmental authorities, particularly by municipal councils, are practiced in more countries, but only few of them used it quite frequently (Finland, Norway). Citizens’ initiatives have the highest frequency, but with significant variations between countries (see below). The popular referendum, which is less often available, sometimes works with the same or closely related rules, but the overall usage is small. Agenda initiatives, only present in a few countries, are not well documented at all, and they do not seem to be used very frequently. The recall, finally, is a rare instrument and has its highest numbers of usage in Poland.

In order to understand the variations of citizens’ initiatives, we may at first assume that liberal regulations support frequent use of direct democratic procedures. This explanation surely holds for German-speaking Switzerland, but low requirements do not lead to the same effect in Slovenia. Rather restrictive requirements in Bulgaria, the Czech Republic, France, Liechtenstein and Slovakia are, in most cases, commensurate with low activities there, and the same is true of Italy with mixed regulations (liberal requirements but advisory votes only). Great Britain, with their strongly restricted subject matter, also shows a rather weak usage (overall 36 cases 2001–2007). An interesting test case is provided by Germany where regional states vary significantly in their profile, while most context factors remain the same. Some states with low requirements, like Bavaria and city districts in Hamburg and Berlin, display rather high rates of activity. The majority of states have a medium or restrictive profile (10 percent or more signature quorum, 25 percent approval quorum), which corresponds to weak activity levels (Schiller, 2011b). In an interesting cross-border comparison on four countries in the region of Lake Constance, Marxer and Pallinger (2011) demonstrate clearly that Swiss frequency rates are far above Austria, Germany and Liechtenstein, which again reflects the regulation profiles. Countries with an overall “weak design” (restrictive plus advisory votes) show a frequency level at about medium, like the Scandinavian countries.

A second field of comparison is how frequent specific issues have been the subject of direct democracy procedures. The main issue areas are related to administrative, economic, social, environmental and cultural matters. In many countries, mergers or separations of municipalities are ranked high as a subject of initiatives and referendums. We find this where mandatory referendums have to be held on these topics (Czech Republic, Italy), but also in countries with other forms, like Finland, Norway and Sweden (de facto informally
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There are a wide variety of other issues in some countries, and in other countries a focus on a small number of topics prevails. In Switzerland, the range of subjects, including finance referendums, is so wide that it cannot be summarized here. Norway, on the other hand, apart from the merger issues, displays a narrow focus on school language, school districts and alcohol licenses. In Finland, a broader variety of local infrastructure has been the topic of consultative referendums. Traffic and environmental issues have been major subjects in the Czech Republic (several on nuclear waste issues), in Sweden and also in some cases in Italy. In German states, particularly in the few with a high frequency of citizens' initiatives, issues of social infrastructure like education and health services, public utilities, business projects and traffic projects represent a fairly equal share of subjects.

Participation of citizens in ballot voting is a third field of comparative observation. A complete base of comparable data is, however, not easily available. In most countries, the type of direct-democratic procedure, the size of municipalities and the issues at stake seem to significantly influence participation rates, but other factors can also be relevant, for example whether or not ballot voting is done on the same day as general elections, or whether an incidental polarization of political parties is intervening in a vote. Therefore, we mention here only examples of some countries and their average turnouts. In the Czech Republic, in towns of up to 2,000 residents, voting turnout most often reached 45–80 percent of the electorate. In Germany, average turnout is about 50 percent and is also strongly correlated with the size of municipalities (from 25 percent in very large cities up to 60 percent in small towns), with the highest rates in small towns; in addition, participation also varies according to the issue. In Norway, in the period up to 1999, overall turnout rates varied slightly between 45 and 58 percent. Swedish local referendums show a high average turnout of some 64 percent, most often in the range of 60–75 percent. A strong effect of combined voting days can be seen in the example of Switzerland. At voting weekends with national, cantonal and local ballots, city ballots received an average turnout of 45 percent, whereas only 32 percent have been reached when the vote was set only for city ballots or for city and canton ballots (Buetzer, 2011).

Although turnout rates in many countries are quite high, they should be interpreted cautiously with respect to context information not easily available. They should be compared to turnout in elections of local councils and mayors, particularly during a period of time when electoral turnout shows a tendency to decrease. As turnout rates in ballot voting is somewhat lower than electoral turnout (as in a few countries mentioned above), this may mainly reflect the difference between single issue voting and general party voting. A second aspect would be additional information about the social structures of voters. This might also shed some light on the qualitative dimensions of issue voting, such as the sources and level of information available to voting citizens, party orientation and so on.

Conclusions: the political impact and quality of local direct democracy

In conclusion, we briefly look at some impacts of local direct democracy and its contribution to local democracy in general. We first summarize procedures and practice and the main explanatory factors. Impacts may be found particularly in the interactions with local party
systems and civil society. Effects on public debates and the political public space will be of interest for the qualitative aspects of democracy. Mechanisms of direct agenda setting and political control can also have some impact on political elites with respect to political accountability and their openness to more responsive politics.

**Procedures and practice**

The main evolution of the institutions of local direct democracy have taken place since the early 1990s. Local initiative and referendum procedures are, overall, very diverse, and in many countries not very beneficial. Subject matters covered by the procedures are strongly limited in some countries, requirement profiles are restrictive in the majority of countries, and referendum votes are consultative only, that is, they have a weak status, for instance in the Scandinavian states. In sum, in most European countries the requirements are strongly restrictive. The most citizen-friendly rules can be found in Slovenia, Switzerland (German-speaking cantons), and few German states like Bavaria and Hamburg. Improvements have occurred recently only in some countries, for example Bulgaria (2009), in few German states and in Sweden (constitution amended as of January 2011). In other countries, however, regulations have even been tightened, for example through higher validity requirements for ballot votes in Slovakia (2001) and in the Czech Republic (2004).

The patterns of usage are very much in line with procedure restrictions: in a majority of countries initiatives and referendums are practiced in rather small numbers. This can be seen very clearly in Switzerland and Germany where rules and frequency of usage correspond quite clearly. In Switzerland, municipalities in cantons with a German-speaking tradition have low barriers and high usage rates; whereas in the French-speaking part, restrictions are high and the frequency of usage of initiatives is low. In Germany, in some states we find liberal requirement profiles and the highest frequency patterns, but the majority of states with restrictive profiles rank very low in frequency. One anomalous case is Slovenia where a signature quorum of only 5 percent did not invite many initiatives, which seems to be influenced by deficiencies of a participatory culture.

The main issue dealt with in local procedures of direct democracy is mergers or separations of municipalities. These were either started in the context of administrative re-organization during the East European systemic transformation, or they were part of modernizing administrative reforms in many West European countries. Increasing usage of direct-democratic instruments can only be observed in the field of policy issues like educational and social infrastructure, utilities, environment, traffic and business topics.

**Different rules and practices in context**

Regulations and practice of local direct democracy procedures in the countries compared show remarkably different patterns. To understand them, the historical context of the origins of these rules and other more general frameworks may help. A long tradition and practice of direct democracy at national, cantonal and local levels in Switzerland, and partly in Liechtenstein, provided a well-established environment for extensive use of local popular rights. In the East European countries, however, the process of system transformation since 1989–1991 has been very complex in terms of economic, social, administrative and institutional re-structuring. This implied many restrictions to local democracy in general, as the degree of local autonomy or local self-government has been, in a centralist tradition, limited with respect to local competences, mechanisms and other administrative rules set by
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central authorities. Illustrative cases are the Baltic countries, which do not have any institutions of local direct democracy, although Latvia and Lithuania have them at the national level. Yet, in some Western countries like France, Great Britain and Italy, the historical background of centralist administrative structures can also be identified as a limiting factor for local direct democracy. A more autonomy-friendly situation exists in Germany, where federalism and municipal decentralization were around before 1933 and became part of the democratic transformation after Nazi dictatorship.

In a number of West European countries, during the 1980s and 1990s a complex mixture of efficiency and financial problems motivated strategies of local administrative modernization under the umbrella term of “new public management” (Kersting and Vetter, 2003; Denters and Rose, 2005). Forming larger municipal units and the strengthening of local executives (e.g. by direct election of mayors as a step towards a presidential system) have, in some cases, been accompanied by providing additional, if limited, popular rights as compensation. So, limited areas like privatization decisions, service deficiencies and business projects have become subjects of citizens’ initiatives and referendums in countries with more liberal regulation profiles.

Contributions to democracy

Direct democracy as part of the system of local democracy can have various impacts. It can represent competition as well as cooperation with representative institutions and their main actors, and it may serve correcting, supplementing and qualifying functions in the democratic polity. Developments in local party systems surely are a main field of interaction with institutions of direct democracy. In the East European transformation countries, national and local party systems have been rather unstable since 1990. In Poland, this seems to be reflected in the relatively large number of initiatives to recall local councils. On occasion, initiatives and referendums have been used for local electoral purposes and party mobilization, sometimes with polarizing effects. In many West European countries, local party systems, even more so than at the national or regional level, have displayed tendencies of differentiation by green parties and other political groups, some of which also used direct democracy instruments during their mobilizing phase. Civil society and single issue groups have also gained from initiative and referendum instruments, as they provide more institutional channels for non-party groups. Yet, these developments were also supported by other factors like social differentiation, raising levels of education and changes in local electoral laws.

Direct democracy as an institution also invites general expectations with respect to the quality of local democracy. It provides additional opportunities for political decision-making and thereby supports the principle of political equality and of a more open political power structure. A basic feature of these procedures of direct participation is transparency of political decision-making, access to information, and to better understanding of the issues, values and interests involved in a specific policy decision, particularly since the process has its main focus on specific issues. This may also enhance a higher level of informed citizens and a better deliberative quality of public debates and campaigns on initiatives and referendums.

At a more general level, direct democracy as an institution is expected to provide strong instruments of political control and thereby support the accountability and responsiveness of political elites (Setälä and Schiller, 2009). This will be supported by frequent usage of initiatives or referendums and a related political culture, as in most of Switzerland. In Bavaria, since 1995, a number of cities with many citizens’ initiatives may be developing such an institutional culture. A somewhat surprising variant of responsiveness can be found
in Scandinavian countries where weak regulatory profiles prevail, but popular majorities in consultative referendums have often been accepted and implemented by local governments.

As an overall assessment, we must realize that many countries in Europe are still left without instruments of local direct democracy, or that formally available procedures are regulated in such a restrictive way that they cannot be successfully used in practice. It seems that the recommendations of the Council of Europe mentioned above still remain unheard to a significant degree. Thus, important opportunities for strengthening democracy at the local level and for using the institutions of direct democracy in an area of political life so close to the citizens have not yet been fully realized. Nevertheless, in some parts of Europe direct democracy at the level of local politics has provided a valuable contribution in the last two decades.

In conclusion we take a short comparative view on the world regions, focusing on a few profile features. Instruments of local direct democracy are distributed in large numbers in the United States, Latin America and Europe, in only some countries of East Asia and are almost non-existent in Africa. Strong instruments with binding results and frequent use characterize about half of the US states and are also available in a minority of European countries. Rather weak, often consultative, non-binding instruments are to be found in Latin America, in many European states and in a few states in East Asia. In general, since the 1990s, some developments towards increased and strengthened local direct democracy can be observed. Whether this trend can be sustained against the growing centralizing political and economic powers remains to be seen.

Notes

1 Initiative and Referendum Institute (US) database (www.ianrd.org); Ballotpedia.org; direct-democracy-navigator.org.
2 Schiller (2011a) includes country reports by Adamiak (Norway), Breuillard (United Kingdom), Buechi (Finland), Buetzer (Switzerland), Guérard (France), Kaufmann (Sweden), Lastic (Slovakia), Marxer and Pallinger (Liechtenstein and neighbors), Nezmaï (Slovenia), Piasecki (Poland), Ruus (Baltic states), Schiller (Germany), Smith (Czech Republic), Svensson (Denmark) and Uleri (Italy). For practical reasons some of these reports are not included in the References.

References

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