



***IRI Europe  
Country Index  
on Citizenlawmaking  
2002***

***A Report on Design and Rating of the  
I&R Requirements and Practices of 32 European States***

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# **Introduction**

NGOs such as Freedom House, Transparency and Amnesty have for decades been investigating and reporting annually on the status of international freedom, corruption and human rights. They examine and evaluate basic institutions, procedures and the practice of both state and private behaviour, using checklists and methods specially developed for the purpose. Their reports are both praised and feared.

Since 1972, when Freedom House first began to look into just how much actual freedom there was in countries, the number of so-called free democratic states has tripled. The fundamental right to be able to choose between different political parties is one of the basic minimum standards used in the status examinations. However, aspects of political rights going beyond the basic minimum – such as the right and the opportunity of citizens to be directly involved in formulating and passing the laws and/or the constitution of their countries – are rarely considered.

The Initiative and Referendum Institute Europe (IRI Europe) founded in 2001, is the only European non-governmental organization to focus on citizens-lawmaking. It is an interface for academics, politicians, the media, artists and committed citizens. Through events and publications, courses and seminars, IRI Europe is helping to promote the modern potential of direct democracy and to reform and improve I&R procedures which are not working satisfactorily – from a small community on the polar circle to the European Convention of the EU in Brussels.

Amsterdam-based IRI Europe's "Country Index on Citizenlawmaking 2002" is the very first 'design and rating' evaluation of direct democratic procedures and practice in Europe. While the report draws primarily on its main authors' decades-long work and experience in the field of direct democracy, it is also the result of intensive teamwork within the Institute, in cooperation with experts and correspondents throughout Europe.

The "IRI Europe Country Index on Citizenlawmaking 2002" is only a beginning. The first chapter identifies the most important normative and practical criteria necessary to define a kind of optimal design of direct democratic procedures. The second chapter then uses these criteria to arrive at a first comparative evaluation of existing procedures and practice in the 32 European countries that are already members of the EU/ EFTA or are currently negotiating terms of membership.

The "IRI Europe Country Index on Citizenlawmaking 2002" is intended as a tool for all those who wish to see a democratisation of democracy in the 21st century. We would like to thank all those who have been actively involved in the creation of this report by sharing their comments and criticisms. We look forward to all the feedback which we hope this annual 'Country Index' will stimulate.

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# The Design of Direct Democracy

## *Preliminary basis for assessing sub-optimal procedures of citizenlawmaking*

It has been realized for some time that in the political debate about direct democracy the central question should not be *whether* (to have direct democracy), but rather *how* i.e. what form should direct democracy take (see, for example, Schiller/Gross 1995). The experiences of recent years should encourage us to deepen and expand this question, both qualitatively and quantitatively:

The way that elements of direct democracy have been handled over the past five years in the federal states of Germany, in other Western European countries (especially Italy and Portugal), in various American states and in Switzerland, shows that *how* direct democracy is designed, *how* direct democratic procedures are shaped and *how* these are harmonized with and integrated into the parliamentary decision-making processes is decisive for the quality – the ‘goodness’ – of direct democracy.

The elucidation of this as it were ‘*optimal*’ design of direct democracy and the description of its core procedural elements are the necessary preconditions for identifying and evaluating other, ‘*sub-optimal*’, procedures. This is the aim of the first part of this report, which can then provide the basis for the first evaluation of direct democratic procedures and institutions in 32 European countries which forms the second part of the report.<sup>1</sup>

### **1. Direct democracy as a process of global comparison and exchange**

Using international comparisons in order to gain information that can be used to improve direct-democratic procedures is nothing new. It can be shown that the history of direct democracy in Europe and in the USA since its beginnings in the states of New England in the 17th/18th centuries is the history of a unique trans-Atlantic and intra-European process of exchange and comparison.<sup>2</sup> Modern Swiss direct democracy owes a great deal to the French Revolution and to the Giron-

dist Marie Jean Condorcet in general and to the German philosopher Friedrich Albert Lange in particular.<sup>3</sup>

If one wishes to optimize the qualities of direct democratic procedures, one has first to define them. On the one hand, we can look at the historical statements of those who can be considered to be the pioneers of modern direct democracy in Switzerland and in the United States. But in seeking to discover what added value direct democracy can deliver, we can also take the lead from the critique of an exclusively parliamentary democracy, which needs to be complemented and extended – and thus in practice ‘democratized’ – by elements of direct democracy.

Lange, in his commentary on the adoption of the new constitution in the canton of Zurich in April 1869 – at the time the most direct-democratic constitution in the world – named the “extraordinarily deep dissatisfaction with the crass deficiencies of the representative system” as the most significant cause of that “convulsion of the emotions” which had “precipitated the principle of direct democracy, like a crystal from a saturated solution” (Der Landbote, Winterthur 20.4.1869; subsequent quotes all taken from Gross/Klages 1996).

### **2. The claims/expectations of Direct Democracy**

- “The decisive control and use of political power should be transferred from the hands of the few onto the broad shoulders of the many”;
- “Republican life depends on the continuous steady balancing of opposing tendencies”;
- “The people should acquire wider political knowledge and opinions”;
- “The authorities, statesmen and representatives will try much harder to acquaint ordinary people with their thoughts and convictions”;
- “The people will approach them with the clear and genuine expression of their needs and preferences”;
- “The moral-spiritual-intellectual life of the people”

should be stimulated by “being deeply involved with the great issues of the common public weal” (Der Landbote, 22.2.1868: p.273);

- “We are taking into our own hands the decisions which affect the destiny of our country; in some way or other we wish to have the final word on these matters” (Der Gruetliener, Bern, 15.7.1868: p.274);
- “ The will of the people and the spirit of the times, the understanding of the common man and the great thoughts of the statesman should be peacefully negotiated and reconciled”;
- “The creation of popular rule in happy union with representation” (Der Landbote, 17.12.1868: p.274).

The spokesmen of what was in effect a democratic revolution and which between 1867 and 1869 put a system of direct democracy in place of the former liberal rule in the canton of Zurich identified two fundamental elements of “the heart of the democratic movement”:

Firstly: “In our view [the heart of the movement] consists in the people being able by constitutional means to win respect for its own faculty of judgment, which the elected representatives have arrogantly and bluntly denied it on all too many occasions” (Der Landbote, 1.3.1868: p.279).

Secondly: “We protest against the debasement and belittlement of the people of Zurich, which consists in their being declared incompetent to recognize true progress and to make the necessary sacrifices [to achieve it]. We see in this false evaluation of the people the main seeds of the present movement” (Der Landbote, 8.12.1868: p.279).

What is here expressed as expectations and hopes, together with the demand for direct democracy, can be translated into modern political language as the demand for more public reflectiveness, more debate, more public meetings, more shared reflection, more opportunities for the public to work on issues, more political accommodation and more balance, more power for all and less power for a select few, a better balance and finer distribution of power, in short: more public debate and more deliberation, less high-handedness, greater legitimacy through the effort to persuade (rather than dictate) and through respect for people’s ability to discern and to reach considered judgments. When John S. Dryzek wrote that “around 1990” there had been a “deliberative turn” in democratic theory, one might be forgiven for concluding – in view of the debates on direct democracy in Switzer-

land and the pioneering direct-democratic states of the USA over a hundred years ago – that Dryzek was a whole century out in his reckoning. (Dryzek 2000).<sup>5</sup>

### **3. The qualities and achievements of Direct Democracy**

Against the background of the motives, critique and aims of that movement which can be considered the pioneer of direct democracy in Switzerland, and of the experiences with direct democracy in Switzerland since then, the following qualitative characteristics can be distinguished as the products of a qualitatively well-designed direct democracy:

- DD makes politics more communicative. Legitimacy has to be created, confirmed or challenged by communication.
- DD forces public discussion of points of view and differences of opinion which otherwise tend to be ignored or suppressed.
- DD gives minorities which have less than adequate or no representation in parliament the right to be heard in public in a legitimate way.
- DD enables a finer distribution of political power and allows no-one the privilege of possessing so much power that he/she is not required to modify their views from time to time.

If we distinguish the individual, the societal and the institutional levels from each other, then in a well organized direct democracy we can assign the following performance expectations or qualities to each level: <sup>6</sup> (Table 1)

## Table 1

### *The performance expectations of Direct Democracy at the individual, societal and institutional levels.*

Individual	Societal	Structural, institutional
Greater political motivation	More public political debate	(Thematically) more open and accessible politics
Better politically informed	More social learning	Higher legitimacy of decisions
More political communication	More efforts to reach agreement	Smaller divide between citizen and politician
More politically qualified	More community interactions	More transparency of motives for making decisions
More opportunities for participation	Better division of powers	More open politics and more accessible media
Better political orientation	More social integration	Removal of political monopoly

#### **4. The most important elements of an optimal design of Direct Democracy**

In considering the design of direct democracy, the shaping of the relevant procedures and their integration into the parliamentary decision-making processes, we have to take care that in each of the 10 stages<sup>7</sup> which can be distinguished, for example, within the most important direct democratic right – the right to demand a revision of the Constitution or of legislation – the procedures are so arranged as to produce the best possible complement of these qualities.

In this sense we can distinguish for each of these 10 stages *crucial*, *highly important*, *sensible* and *helpful* procedural elements aimed at optimizing the quality of direct democracy. This gives us numerous procedural elements, whose design and individual formulation will enable us to make an overall assessment of the quality of direct democracy and its performance and which can also be used to judge current, sub-optimal direct democratic designs.

##### **4.1. The crucial or decisive elements of Direct Democracy**

The five most important and definitive procedural elements of direct democracy are:

- 1. List of exclusions on issues:** How many political issues are excluded from the direct-democratic decision making process?
- 2. Entry hurdles:** How many signatures of electors do I have to collect in order to force a referendum?

- 3. Time limits:** How much time do I have to collect these signatures?
- 4. Majority requirements/ quorums:** What special requirements are applied to the deciding majority of the voters in referendums (participation quorum, majority approval requirement, qualified majority etc.)?
- 5. Consistency of the direct democratic elements:** the various direct democratic elements at the constitutional and legislative levels must have an inner consistency, in order to prevent direct-democratic decisions from being thwarted by the authorities or governments.

##### **4.2 The highly important elements of Direct Democracy**

The *highly important* elements of a well-designed direct democracy are:

- 1. The way signatures are collected:** how can I collect the signatures? Is there a free collection of signatures with subsequent official verification, or do citizens have to sign in local authority offices and/or under legal supervision?
- 2. Reception by Parliament and parliamentary right to make a counterproposal:** the direct and indirect forms of democracy need to be linked up: for example, parliament should have to debate all popular initiatives and there should be the right for a majority in parliament – or even for minorities – to present a counterproposal to the popular initiative, so that voters can choose between at least three substantive options.

**3. Informing the electorate:** a great deal of effort should be made to ensure that voters are properly informed on the issues and that these can be adequately debated. As an absolute minimum, a voter pamphlet should be provided; modern electronic means of communication permit additional means of providing information.

### 4.3. The useful and sensible elements of Direct Democracy

The following can be seen as *useful and sensible* procedural elements of an optimally designed direct democracy:

1. When a popular initiative has been launched, the government and the administration must have enough time to listen to all the interested groups and organizations of civil society and to arrive at a considered opinion on the initiative (minimum six months);
2. Parliament must also have enough time for hearings and for discussion of the initiative and of any possible counterproposal (in a unicameral parliament, at least two readings, in total six months);
3. There must again be adequate time from when parliament adopts a position in relation to the initiative up to the time of the referendum (another six months, especially if major holiday periods are included);
4. The process by which public opinion is formed and positions adopted must be fair (equal resources for all sides), transparent (sources of funding etc.) and correct;

5. Voting must be free and secret: either by casting a ballot at a designated polling station, by post, or perhaps in future by e-voting (i.e. no voting by show of hands at public meetings);
6. The use of more differentiated instruments of direct democracy, such as the constructive referendum, the right of petition to parliament and the differentiation between facultative and obligatory rights;
7. Those who organize popular initiatives and referendums should receive a portion of the campaign costs – either in advance or subsequently – once the signatures have been handed in and the date set for the referendum.

### 4.4. The helpful procedural elements

The following procedural elements raise the quality of direct democracy and are therefore *helpful*:

1. Support for the work of the initiative group by the administration.
2. A democratic and openly communicative infrastructure in the community (free, central places of assembly; political infrastructure open to all, free advertising space in newspapers, on radio and television and in public spaces).
3. Political parties – as the essential vehicles of democracy – should be funded by the state.

**Table 2**

**Qualitative comparison of the five most important direct democratic procedural elements in Switzerland, the U.S. states and the federal states of Germany (Länder)**

	US states	Switzerland	German Länder
Signatures needed to launch initiative	Medium level (c. 5%)	Low (1% - 2%)	High (up to 20%)
Time to collect signatures	Little	Plenty	Very little
Mode of collecting signatures	Free	Free	Restricted, official scrutiny
Turnout and approval quorums	None	None	High and in part double quorums
Restrictions on issues	None	Few	Extensive

## 5. Preliminary results of a comparison of direct democratic procedures

It is only possible to identify the specific qualities of one option by comparison with others. As Switzerland is, at least for the moment, the only country in which there is direct democracy across the whole country<sup>8</sup>, we will compare the use of the five most important procedural elements in Switzerland with their use in those American states with elements of direct democracy<sup>9</sup> and with the federal states of Germany<sup>10</sup>; to simplify matters, we have amalgamated the latter two and abstracted a kind of average qualitative trend. This results in the following picture: (table 2).

The table shows that the way the procedures are arranged in Switzerland makes it much easier for the good qualities of direct democracy to be attained than in Germany, and somewhat easier than in the USA.

This assessment becomes even more plausible if one takes into account the background conditions for direct democracy in the three countries. Because direct democracy wishes above all to make politics more communicative and to achieve greater legitimacy both for what exists and for what is new or needs to be changed – in particular through fair, extensive, in-depth and serious debate and discussion – the most important background condition is the quality of the public structures in a society. We must of course remember that the structure of public society is influenced by direct democracy, so that it cannot be seen as entirely independent of it.

**Table 3**

**Comparison of the most important background conditions of direct democracy in Switzerland, the U.S. states and the federal states of Germany, in particular with regard to public politics and integration into the parliamentary decision-making processes.**

	<b>US states</b>	<b>Switzerland</b>	<b>German Länder</b>
Structure of TV operation	Privately owned domination	Publicly owned TV, few private channels	Both private and public
Media in general	Dominated by privately-owned TV stations plus major print media	Very varied and important print media	Variety of print and TV media
Tradition of public meetings	Marginal	Intact	Decaying
Political culture	Republican political tradition; DD marginal	DD a central element of political culture	Historic fear of the people; dominated by elite representative system
Culture of democracy	Disintegrative relationship between direct and indirect democracy	Integration of direct and indirect democracy	Domination of indirect democracy
Constitutional jurisdiction	Very highly regarded	Jurisdiction only at cantonal level	Very highly regarded
Importance and nature of political parties	Parties weak (more like voter lobby groups), powerful interest groups	Weak parties, stronger unions	Politics almost completely dominated by parties, strong unions

**Table 4****Comparison of direct democratic cultures in Switzerland, the U.S. states and the federal states of Germany**

	<b>US states</b>	<b>Switzerland</b>	<b>German Länder</b>
Socially	disintegrative	integrative	not sufficient to comment
Relationship to parliament	antagonistic	cooperative	not enough to comment
Character of DD	confrontational	interactive	marginal
Cost of DD	very expensive	relatively modest	expensive but affordable
DD culture	colonial, neo-oligarchic	relatively accessible, oligarchic tendencies	authoritarian

**6. Evaluation of the consequences of the design of direct democracy in the various regions**

The existing procedures for direct democracy (DD) in the three states and the respective political-cultural parameters and institutional forms create different direct-democratic cultures, which can be characterized in somewhat condensed form, as in table 4.

**Table 5****The need for reform of direct democracy in Switzerland, the U.S. states and the federal states of Germany**

<b>US states</b>	<b>Switzerland</b>	<b>German Länder</b>
Much more time has to be allowed for each phase	Democratization of collective opinion forming	Lowering of entry thresholds
More opportunities for institutions to interact (right to parliamentary counter-proposal)	Greater fairness through evening out imbalances in resources	Massive lowering of participation quorums; abolition of approval quorums
Better proportionality of resources	Greater transparency in regard to campaign expenditure	Longer periods for collecting signatures and considering the issues; more time in general for all the phases
Better spread of issues to more referendum dates	State funding of parties and of those launching initiatives and referendums	Reduction in number of excluded issues

## **7. Proposals for reform with the aim of optimizing the design of direct democracy in the various regions**

The analysis generates potential avenues for reform of the direct democratic procedures, which would allow the various cultures to improve and optimize the quality of their direct democracy. We envisage the following requirements for reform in the three states: (table 5)

In conclusion, we would like to look more closely at some of these proposals for reform aimed at raising the quality of direct democracy:

We earlier identified communication and open debate as the "souls" of direct democracy. This means that direct-democratic procedures – insofar as their potential is desired and worked for – must be so arranged that communication – at all levels and among the widest possible cross-section of citizens (who may be initially strangers) – is encouraged and facilitated. Participation and approval quorums actually encourage a refusal to communicate on the part of those who wish to preserve the status quo. For it is often easier to prevent those in favor of reform from reaching a quorum by withholding debate and participation, rather than by defeating them (i.e. reducing them to a minority position) in a referendum.<sup>11</sup> Reflection, discussion, meetings and interactions need time, as do attempts to reach common ground between the representatives of different interest groups and organizations. If insufficient time is allowed, the procedures once again favor vested interests, the interests of those with the greatest resources and those forces who simply wish to avoid debate. This is quite apart from the fact that without specific procedures allowing sufficient time, it becomes practically impossible to achieve greater integration. The time allowances for the various parts of the process have to be commensurate with the requirements of each part: for example, if only two weeks are allowed for the collection of what are in any case usually too many signatures, organizations which are not already established and well organized can make little or no successful use of the direct democratic instrument meant to serve them. It would be much more helpful if a period of six months to one year were allowed for the collection of signatures.

In the report ("Democracy by Initiative") of the official committee charged with investigating possible reforms of direct democracy in California, a specific recommendation was made that the period

of time for collecting signatures be extended (from 150 to 180 days) in order to allow for more public debate, to reduce the dependency on funds and paid signature collectors and to improve the quality of the public debate (California Commission on Campaign Financing: p. 162 ff).

The same is also true for the time periods and the procedures available to the administration, organized interest groups, the political parties and parliament. In California, every popular initiative bypasses Parliament completely; in Switzerland, once the signatures have been handed in, a very diverse and extensive process of consultation and, in certain circumstances, negotiation begins.<sup>13</sup> If in California the possibility for real discussion, for reaching understanding, the reconciliation of differing interests and possibly even compromise solutions is to be achieved, then much more time has to be allowed between the handing in of signatures and the referendum: six months is simply not enough. The institutions themselves need at least a whole year, if not even 18 months. This has nothing to do with stalling, or time-wasting, but with the attempt to do justice to those who launch initiatives, to take them seriously, and to make the system and the procedures more rational and increase the chances of reaching a compromise.<sup>13</sup>

Direct democracy is much more than a 'public-opinion-poll' or 'fast food' democracy governed by knee-jerk emotional responses, and it is certainly no 'Instant Democracy'.<sup>15</sup> In one respect, Switzerland has something to learn from direct-democratic arrangements in some of the German Länder and from what some people are trying to achieve in California. The German tradition of refunding electioneering expenses has meant that in five of the Länder the initiators of popular demands have received a reasonable contribution to the costs of the referendum campaign and an amount for each signature collected (payable either after the signatures have been handed in, or after the referendum – regardless of the result, of course) (see Jung 2000, p.83) Attempts to secure the same provisions during the reform debate on civil rights at the national level in Germany, and during the current revision of the constitution of Zurich failed.

There is still too little awareness in Switzerland of the fact that the quality of the result depends on the quality of the decision-making process i.e. on its fairness, transparency and correctness. The transparency of what are sometimes very widely diverging financial inputs of those involved – the source and the extent of funding – is a precondition for the apprecia-

tion of the fact that the public might be interested in a much better balance of financial resources between the 'Pro' and 'Contra' sides of a reform issue. There is a chance that some preliminary attempts at reform in Switzerland may succeed in 2002/2003, but the fate of the reforms is as yet very uncertain.<sup>15</sup>

In California there was for a time a voluntary agreement by the TV companies to give the opponents of a campaign free air time in a ratio of 1:10 of the time paid for by the proponents. There are currently some moves in this direction in Switzerland too, though more in respect of advertising in daily newspapers and on hoardings.

Lastly, there is also the need to ensure that there is sufficient time for public debate in the immediate run-up to a referendum, as well as to ensure the consistency of direct-democratic procedures. The worst negative example of the former was given by Portugal, whose president allowed a whole three weeks in 1998 for the referendum campaign on the plebiscite regarding the liberalization of abortion, for which parliament was unwilling to take responsibility. What took 20 years and numerous popular initiatives and referendums to achieve in the scarcely less Catholic Switzerland, the Portuguese elite wanted to be debated and decided in just a few weeks. This experience inflicted lasting damage on the credibility of direct democracy in Portugal. More recently, conservative forces in the country have used the experience to frustrate recent attempts at liberalization by suggesting the use of a popular vote whose legitimacy has been thrown into question by the wholly inadequate procedures. There are lessons to be learnt regarding the consistency of direct-democratic procedures from another negative example, this time in Slovenia, where citizens (as well as a minority in parliament) enjoy the right of legislative referendum – but not that of obligatory constitutional referendum. This means that unwelcome referendum decisions on legislation – even though binding – could be thwarted and overturned by parliament changing the constitution: this would not only undermine their legitimacy, but have a negative effect on the public's solidarity, motivation and faith in the political process.<sup>16</sup>

Improving the performance and optimizing the quality of direct democracy is not an end in itself. Its significance extends far beyond the democratization of local, regional and national democracy. For only highly-motivated and self-assured citizens, who have a positive experience of politics in the local, regional and national contexts, will have the courage and the self-

confidence to demand the introduction of direct-democratic elements where they are most needed: in relation to a European Constitution. It is not only that Europe needs more democracy; democracy itself needs to be rooted at the European – transnational – level if the substance of democracy is not to be eroded to the same extent as the autonomy of the nation state (see Erne, Gross, Kaufmann & Kleger 1995).

If such an erosion is to be prevented, a qualitatively optimally designed Direct Democracy is doubly necessary: both in order to create the necessary conditions for a European democracy movement to flourish, and so to shape the future of European democracy that, realizing that it must not see its ultimate expression in mere representation, allows itself to be complemented by the most important direct-democratic elements so as to make it possible for democracy to be realized at the transnational level as well.<sup>17</sup>

## Notes

1. This article is based in part on a paper by IRI Research Director Andreas Gross – “The Design of Direct Democracy and its Qualities” – which will be published in Autumn 2002 in the collection of essays edited by Theo Schiller and Volker Mittendorf: *Direkte Demokratie als Systemergänzung. Forschungsbeiträge und Perspektiven*, Westdeutscher Verlag, Wiesbaden and the work of the IRI Europe project group “Design&Rating” consisting of Andreas Gross, Bruno Kaufmann, Heiko Dittmer, Frank Rehmet, Gerhard Schuster, Fredi Krebs and Jürgen Zinnel.
2. On the origins see Kölz (1996, p.117); on the significance of Switzerland for direct democracy in the US at the beginning of the 20<sup>th</sup> century see especially Gross (1999); on the dual significance of Switzerland for the development of direct democracy in Bavaria in the 1940s and 1990s see Seipe and Mayer (1997, p.9ff).
3. On Condorcet, see Kölz (1992); on F.A.Lange see Mittendorf (1997), Gross (2000) and especially Zinnel (2001).
4. All original quotes from the “Landbote” of 18.1.1868; p.273
5. The first section of Dryzek’s preface reads: “Around 1990 the theory of democracy took a decisive turn. Prior to this the democratic ideal was primarily seen in terms of the sum of preferences and interests which would affect collective decisions by means of elections and representation. In a deliberative democracy, on the other hand, the essence of democratic legitimacy is sought in the ability of all those affected by a collective decision to take part in a genuine debate about that decision. Those affected would then only accept the decision if they could be persuaded that it was right.” John S. Dryzek: *Deliberative Democracy and Beyond – Liberals, Critics, Contestations*, Oxford University Press 2000.  
(In the absence of the original English wording, I have made my own – hopefully not too inaccurate – translation from the German provided. Translator).
6. This originates in an earlier and subsequently expanded presentation, the first version of which – under the title: “Die Verfahren schaffen die Qualität der Direkten Demokratie” – was given by Andreas Gross at a conference on direct democracy in Marburg in June 2001.
7. In a presentation to the Initiative and Referendum Institute Europe (IRIE) in Amsterdam in January 2002 (“The design of direct democracy is the choice”), Andreas Gross distinguished the following 10 stages of a direct-democratic initiative process (in the Swiss context): 1. Development of the idea; 2. From the individual idea to the collective project; 3. Official registration of the initiative and start of signature collection; 4. Signature collection; 5. Pre-parliamentary debating and negotiating stage within the administration, interested groups and political parties, including stance taken by government and submission to parliament; 6. Parliamentary negotiations and recommendation, possibly parliamentary counter-proposal; 7. Public information and opinion-forming stage – the most dynamic stage of the referendum campaign; 8. Referendum; 9. Public analysis and interpretation of the decision; 10. Implementation of the decision (possibly preceded by a legal debate).
8. Recently published and very good as an introduction: Neidhart (2000); more on direct democracy in Switzerland: Hangartner & Kley (2000); Tschannen (1995).
9. On direct democracy in the USA see especially: Cronin (1989); Bowler, Donovan & Tolbert (1998); Zimmermann (2001); Sabato, Ernst & Larson (2001), Ellis (2002).
10. On direct democracy in the German Länder see: Klages & Paulus (1995); Weixner (2002) (see also Rehmet’s paper in this volume); for a comparison of Germany and the USA: Heussner (1994).
11. See: Jung (1999) and (2001). Moderately useful also Abromeit (2002). There have been numerous similarly negative experiences of quorums in Italy: see Capretti (1999 and 2001). In Spring of 2000, the then future head of government Berlusconi “won” a referendum (which had been approved by the socialist government) by telling his supporters to “stay at home” in order to make the government “go home”.
12. In this connection, the Californian Commission has made proposals for reform which would bring parliament back into the initiative process; this would increase the incentive on them to find a compromise solution and would generate additional public discussion of the initiative, as well as encouraging parliamentarians to act responsibly instead of just passing the buck to the electorate (*California Commission on Campaign Financing*: p. 330f).

13. Elisabeth Gerber (1999; p.145) expressly states that in her view the laws enacted as a result of initiatives have produced more unintended (negative) consequences, because the initiative process avoids many of the normal parliamentary negotiating procedures.

14. More on this in Gross (1999; p.97f); on the consequences of ignoring such considerations: Schrag (1998; p.188) and Broder (2000).

15. Up-to-date news on this available on the homepage of the Zurich constitutional council: <http://www.verfassungsrat.zh.ch> and of the Swiss National Assembly: <http://www.parlament.ch> .

16. The World Yearbook of Initiatives and Referendums due to be published in the winter of 2002/2003 by the Initiative and Referendum Institute Europe (IRI Europe) and its president Bruno Kaufmann will offer a critical survey of direct-democratic procedures and practice in more than 30 European countries and globally.

17. Up-to-date information available on Andi Gross's homepage: <http://www.andigross.ch>

# Comparison of Initiative and Referendum practice

## *A preliminary comparative evaluation of I & R in 32 European states.*

Jean Jacques Rousseau's idea was extremely simple: people need laws to govern their social behavior – and if everyone is involved in formulating these laws, then ultimately everyone only has to obey one person – themselves: no-one rules over anyone else.

Beautifully simple, for sure, but quite impractical, says current opinion.

Not so: in an ever-increasing number of communities, regions and whole countries, more and more people are having a say when it comes to creating new laws, agreeing public expenditure and enacting constitutions.

Direct democracy – as a complement to indirect democracy – is by no means an idealistic pipe dream belonging to the past, a hobby-horse of out-of-touch fanatics. On the contrary, it is proving to be an extremely practical affair.

In 2001, almost 10,000 local referendums were recorded in the U.S. alone: and in the German state of Bavaria more than 500 local referendums have been held since the introduction of citizens' decision-making rights 7 years ago. There is no shortage of either issues or committed activists in Bavaria: on the contrary, local politics has been invigorated, as the Munich Landtag representative Klaus Hahnzog noted three years ago in the 1999 publication entitled "Mehr direkte Demokratie wagen" ('Be brave: try more direct democracy')<sup>1</sup>. Citizens want to get involved, particularly on traffic, planning and waste management issues.

The forward march of direct democracy is not restricted to the lower floors of the state edifice. Between 1990 and 2000, the number of national referendums was almost double that of the previous decade<sup>2</sup>. Of the 405 recorded national referendums, 78 took place in the Americas, 37 in Africa, 26 in Asia and 16 in Oceania. The vast majority were in Europe: 248 (of which 115 were in Switzerland alone). Between 1981

and 1990 there were only 129 (of which 76 were in Switzerland).<sup>3</sup>

## **1. Democratic Revolution and European integration**

There are two main reasons for this clear trend towards more referendums: firstly, the democratic revolutions in Eastern Europe led to no less than 27 new constitutions, the majority of which were approved by popular referendum; and secondly, the accelerated integration process within the European Union has launched a direct-democratic wave with transnational consequences.

Practically all the new constitutions of Central and Eastern Europe include elements of direct democracy. Among the Eastern countries, it is the Lithuanians who have made most extensive use of the possibilities of a co-determination unthinkable in Soviet times: between 1991 and 1996 they voted nationally on 17 issues, including independence, the withdrawal of Russian troops, and their new constitution.

In Western Europe, referendums on accession to the EG/EU, or on greater integration, have become the norm. When, in August 2002, the Irish go to the polls for the second time within 18 months to vote on the Nice treaty of the European Union, this will be the 30th national referendum on the question of European integration since 1972. No other set of issues internationally has resulted in so many referendums as European integration. With the extension of the European Monetary Union to the north and of the European Union to the east, at least 10 more national European referendums are on the cards for the next two to three years alone.<sup>4</sup>

What can we learn from these facts – and what not? They clearly point to the fact that more and more citizens – especially in Europe – are not only voting to elect their representatives, but are increasingly voting on issues. So far, so good. However, the figures tell us

relatively little about the criteria presented in the first part of this report – about the real quality and effectiveness of direct-democratic institutions and decisions i.e. how good they are in practice. For that we need a qualitative evaluation of existing I&R procedures and practical experience.

## **2. What exists? And in what form?**

A working group of the foundation “Initiative and Referendum Institute Europe”<sup>5</sup> undertook such an analysis, concentrating on the countries represented in the European Convention (15 EU member states and 13 candidate states) as well as the four EFTA member states (Iceland, Norway, Liechtenstein and Switzerland). The result is a preliminary evaluation, which, although a commendable pioneering effort, represents in terms of method and results merely a first draft which can form the basis for further work.

We chose to approach our task of compiling the following comparative evaluation of 32 European countries by asking a number of preliminary questions:

- (1) Do I&R institutions and practices exist at the national level?
- (2) Are there I&R institutions which can be launched by the citizens themselves, such as, for example, the popular initiative and the facultative referendum?
- (3) Are there provisions for obligatory referendums, such as are used in Denmark and Ireland for European questions?

Only in two instances (Liechtenstein and Switzerland) was it possible to answer all three questions in the affirmative; then there were three countries (Italy, Slovenia and Latvia), in which citizens can initiate national referendums independently of parliament or the government, as well as four countries which have obligatory referendums (Ireland, Denmark, Lithuania, Slovakia). Furthermore the Netherlands have just got a (weak and until today not tested) optional referendum right. In all the other countries examined, parliament and/or the government/ the president have powers which can prevent popular referendums.

## **3. Six qualitative sets**

On the basis of these rough criteria, as well as on the more detailed (four-stage) criteria set out in the first chapter as the basis for determining the quality of direct-democratic procedures, we were able to divide the 32 countries into the following six sets:

### **Set 1 – The Avantgarde.**

Citizens have access to a broad spectrum of direct democratic procedures. As well as the binding popular initiative, these include the right of facultative referendum and of obligatory referendums for alterations to the Constitution and for state treaties.

### **Set 2 – The Democrats.**

In the countries in this set citizens have at least in part the possibility of initiating national referendums without the express permission of the organs of the state (parliament, government, president); alternatively, there are procedures for obligatory referendums.

### **Set 3 – The Cautious.**

In the countries in this set, the electorate does have practical experience of popular initiatives and/or national referendums. But these procedures are essentially plebiscitary in nature i.e. they are not protected or controlled by the citizens themselves or by the law, but are controlled “from above” by parliament (political parties) or by the executive.

### **Set 4 – The Fearful.**

The political elites in the countries of this set appear to be afraid of popular participation in political decision-making, whether out of a fear of having to share power or because of certain historical experiences. Even here, however, there are still some traces of statutory I&R procedures, which may form the basis for future improvement.

### **Set 5 – The Hopeless.**

Almost entirely lacking institutional procedures and practical experience, the countries of this set make it very hard for themselves to complement indirect democracy. In addition, the political and cultural circumstances scarcely provide a stimulus for the introduction or the strengthening of elements of popular decision-making. But the issue is occasionally debated.

**Set 6 – The Tail Enders.**

In the countries belonging to this set, there is at present no basis at all for the development of direct democracy; even the conditions of indirect democracy leave a lot to be desired.

We have consciously dispensed with statistical methods of analysis for this first IRI Europe Country Index of citizen lawmaking: such methods have still to be developed for the relatively new research area of direct democracy.

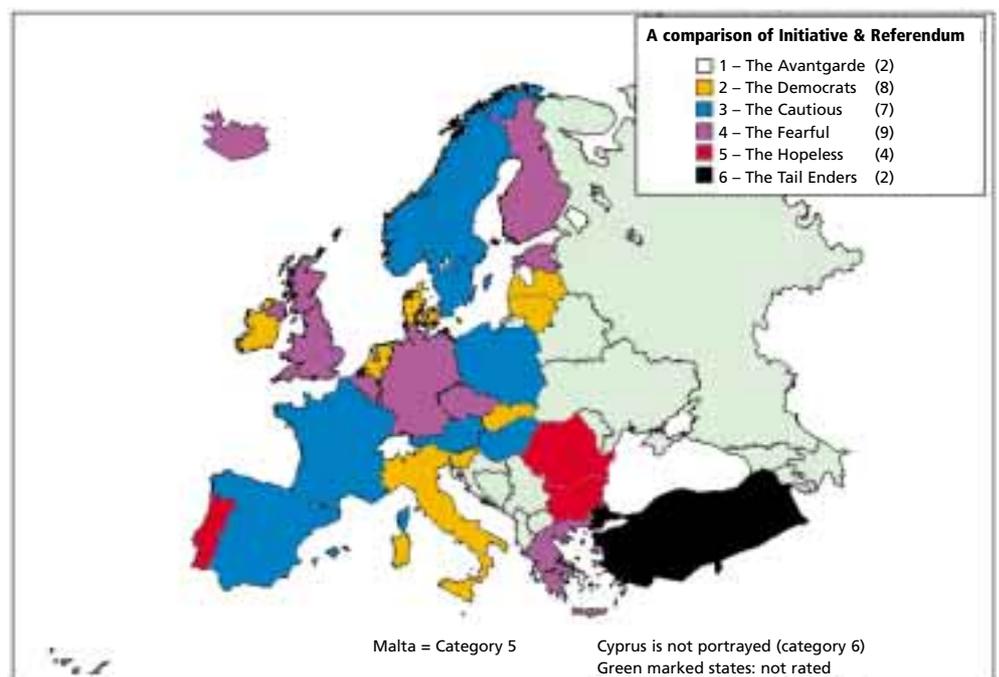
In order to refine the qualitative comparison somewhat, we have divided the six sets into two classes – ‘A’ and ‘B’. This subdivision has been made not on absolute, but on relative considerations. The result shows, for example, that even in the top set (#1) there is still need for reform; or that in set 4 (the ‘Fearful’), some countries do have practical experience of referendums (subset 4A), while others currently do not (subset 4B).

Finally, an important element of IRI Europe’s Country Index on Citizen Lawmaking are the potential developments and prospects in some countries. For example, we took into account whether or not there was an active public debate on direct democratic reforms in a country (indicated by a (\*) after the name of the country). In addition, we tried to determine whether the trend in an individual country could be said to be ‘rising’ (indicated by a (+), or ‘falling’ (-)).

What follows is, firstly, a summary of the Country Index, and then a short individual commentary on each country.

**4. Summary 2002**

- |   |   |
|---|---|
| <b>1A: –</b>  | <b>4A: Great Britain (+),<br/>Finland,<br/>Estonia,<br/>Belgium</b>                         |
| <b>1B: Liechtenstein (-),<br/>Switzerland (+)</b>   | <b>4B: Iceland,<br/>Luxembourg,<br/>Germany (+),<br/>Greece (*),<br/>Czech Republic (+)</b> |
| <b>2A: Italy (-),<br/>Slovenia,<br/>Latvia</b>  | <b>5A: Rumania (-),<br/>Portugal</b>  |
| <b>2B: Ireland,<br/>Denmark,<br/>Lithuania (-),<br/>Slovakia,<br/>the Netherlands (*)</b> | <b>5B: Bulgaria,<br/>Malta (*)</b>  |
| <b>3A: France (*),<br/>Spain,<br/>Austria (*)</b>   | <b>6A: Cyprus</b>   |
| <b>3B: Sweden (*),<br/>Norway (*),<br/>Hungary (-),<br/>Poland (-)</b>                    | <b>6B: Turkey</b>   |



## 5. Country by country commentary

**Liechtenstein:** this small principality between Austria and Switzerland knows and practices the three basic procedures of direct democracy (popular initiative, facultative referendum, obligatory referendum) on a regular basis and with sensible parameters. However, the prince of the only direct-democratic hereditary monarchy in the world retains a right of veto and has already threatened to leave the country if parliament were to disagree with his constitutional ideas.

**Switzerland:** this federal state in the heart of Europe has the most varied, widest and most comprehensive experience of citizen lawmaking anywhere in the world. In addition, there is vigorous debate on how the procedures should be shaped and reformed. The latest package, with the introduction of a non-binding legal initiative, has clear weaknesses and in addition, such conditions as transparency and fairness continue to be undervalued by the majority and are therefore inadequately protected and institutionalized.

**Italy:** after Switzerland and Liechtenstein it is the Italians who have the greatest practical experience of initiative and referendum. The population of 50 million has over the last 30 years put legal issues to the vote more than 50 times in so-called «abrogative» referendums, which are similar to popular initiatives. However the counter-productive role of the 50% turnout quorum, as well as the undemocratic monopoly of television and political power has consistently weakened the potential of Italian direct democracy.

**Slovenia:** the republic of Slovenia is one of the «new» I&R countries in Europe. Although citizens have only a non-binding initiative right, in practice they can subject all laws passed by Parliament to popular approval by means of facultative referendums. Thus, despite their rather modest experience to date (only four national referendums since 1990), direct democracy appears to have considerable potential. However, the 50% participation quorum, the right of parliament to make a counter-proposal and the restriction of popular rights solely to legislation are negative aspects.

**Latvia:** although Latvia has been an independent state only since 1991, Latvia's fairly comprehensive I&R procedures actually date from the country's first period of independence between the two world wars. These procedures allow for 10% of the electorate to initiate a change to the Constitution or a new law; a decision

of parliament can also be subjected to referendum. However, there are extremely restrictive rules excluding certain issues and a 50% participation quorum. The upcoming decisions on accession to NATO and to the EU will therefore be test cases for reform, as the participation quorum threatens to invalidate these accession referendums.

**Ireland:** Ireland is the prototype of a country with obligatory constitutional referendums. Irish citizens have the last word not only on questions of European integration, but also on moral and institutional questions. However, the electorate cannot initiate referendums itself. Neither is there any serious debate on reform of the system. Nonetheless, the role of the courts (in favor of the obligatory referendum), the current debate about the parameters (keywords: Referendum Commission; payment of expenses) and the absence of participation and approval quorums are positive features.

**Denmark:** although in domestic politics the obligatory referendum functions only in relation to European issues, it has proved to have a significance extending far beyond the country's borders. Though the initiative element is almost totally lacking, Danish referendums on the EU were responsible for bringing the I&R process and the question of European integration altogether into the European public domain. The right of initiative of a parliamentary minority has so far been of no practical significance. At the local level, there has been an increasing number of consultative referendums. In the medium-term, the 40% approval quorum for national referendums remains a problem.

**Lithuania:** this Baltic republic has the obligatory constitutional referendum, the popular initiative and the facultative referendum. During a brief period between 1991 and 1996 there were no less than 17 national referendums. However, this practical experience revealed the clear procedural weaknesses: the 50% participation quorum resulted in 11 of the initiative referendums barely achieving legitimacy. This caused citizens to lose interest in participatory politics. The upcoming decisions on integration (EU and NATO) offer opportunities for institutional reform.

**Slovakia:** over the last three years this young country has made enormous steps forward, despite many traumatic experiences (Keywords: 1968; disintegration of Czechoslovakia; the Meciar regime). It has a binding popular initiative right, which among other things led in 2000 to a referendum on bringing forward new elections. However, as in many other countries of

Central and Eastern Europe the conditions for more democracy are extremely modest; in addition, the 50% participation quorum threatens to invalidate almost every referendum. The country also has a 50% approval quorum.

**The Netherlands:** on the one hand, the Netherlands is one of the very few countries in Europe and even the world in which there has never been a national referendum; on the other hand, it is also one of the very few countries in which the issue of the introduction of direct democratic elements brought about a government crisis. This happened in 1999 and led to the creation of a provisional referendum law, under which the question will be examined nationally and some conclusion reached by 2005. Unfortunately, because of the excessively high quorums and the restriction to a non-binding facultative referendum, the prospects do not appear very favorable and the Netherlands could be downgraded soon. The new Center-Right government has already announced that it does not intend to incorporate the facultative referendum into the constitution.

**France:** although France was a co-discoverer of direct democracy in the form of initiative and referendum during its revolution at the end of the 18th-century, in practice only the presidential plebiscite has remained. The «referendum» is therefore understood primarily as an instrument of the elite and not as a tool of the ordinary citizen. Nonetheless, there is a tradition of presenting important constitutional changes to the people, whose decision is binding. Before his re-election, President Chirac announced that he would promote the introduction of the popular initiative in his second term of office. Since the Revolution, France has had a de facto «street referendum», which has, however, only been used very selectively.

**Spain:** the last time the Spanish were able to vote on a substantive issue was in 1986, in the referendum on accession to NATO. The citizens of this kingdom have no say on European issues. In some regions, for example in Catalonia, there have been a few popular initiatives, but at the national level only petitions are allowed. On the other hand, Spain does refund the expenses of initiative committees and there are no participation quorums. Popular referendums are not seen as complementing the parliamentary process, but as threatening it, because parliament would be forced to resign if a referendum went against it.

**Austria:** the inclusion in the Austrian constitution (in 1958 and 1963) of what are so far the only direct-

democratic elements in Austrian politics – the referendum and the petition to Parliament – happened against the will of the two main political parties. The first of the two national referendums which have been held so far (the one in 1978 on the commissioning of the Zwentendorf nuclear power station) also turned out differently from what the ruling elite had imagined. In other words, the Austrian people have shown a clear desire for a share of political power with parliament and government, evidenced in the high level of participation in campaigns such as the recent one against the Czech nuclear power station at Temelin and for the preservation of the welfare state. The political institutions are lagging far behind the social reality.

**Sweden:** like France, Sweden's experience of referendums is primarily one of plebiscites. However, unlike France, where the President has total control, it is the ruling Social Democratic parties which exercise this role. Referendums, which are binding only under quite specific circumstances, are (mis)used as instruments of power. Citizens effectively have no rights, even at the communal level, where a right of petition which has been called an « initiative right» has produced a great deal of frustration. The forthcoming decisions on Europe provide a glimmer of hope, as well as the courage of some communities, which are using their very limited scope for autonomy to introduce greater direct democracy.

**Norway:** Norway, whose constitution dates from 1814, has no de jure direct democratic procedures at all. And yet, thanks to its actual practice, Norway can be placed within the center-ground of this league-table, for its citizens have for decades always been asked to give their approval on questions of EU membership. In addition, there exists a relatively comprehensive level of direct involvement in decision-making at the communal level, where there have been more than 500 local referendums between 1972 and 2002. However, almost all the powers regarding these procedures are in the hands of parliament and the political parties, who have shown no great readiness to allow power to be more finely distributed.

**Hungary:** the constitution allows citizens the possibility of making initiatives on laws. 200,000 signatures collected within four months gives them the right to have a referendum. But in practice the wide-ranging list of exemptions undermines the democratic potential of this provision and, in addition, the courts, if they so wish, are able to curtail or dismantle the direct-democratic procedures and decisions. In 1997,

for example, the participation quorum was cut from 50% to 25% for the NATO referendum – a ruling which will also help the government to achieve its desired EU accession.

**Poland:** the two reform referendums of 1987 not only contributed to the rapid collapse of Communist control, but also established the idea of direct democracy in Polish society. But the political parties have not yet succeeded in exploiting the potential which certainly exists. On the contrary: when, in 1996, 600,000 citizens gave their signatures to demand a referendum on the privatization of state property (500,000 was enough to satisfy the constitutional requirement), the government used its constitutional veto to deny the citizens' request. Even at local level, the high participation quorums mean that referendums are often declared invalid, which naturally tends to weaken people's motivation to take part in political life.

**Great Britain:** the United Kingdom not only has no written constitution, having instead a motley collection of written and unwritten laws and traditions, but sovereignty is not even invested in the people, but rather in Parliament: the wholly indirect democratic system has been called an «elective dictatorship». Despite this, over the past few years, there have been some significant changes, in particular the devolution arrangements for Scotland, Wales and Northern Ireland which were chosen by referendum. In addition, there have been a number of local referendums, some of which resulted from initiatives. There is likely to be a national referendum in 2003 (only the second one ever) on the question of adopting the Euro.

**Finland:** the Finns have only been able to vote twice in their history on a substantive issue and at the communal level there have only been around 20 referendums in all. This rather limited experience shows that the country has a long way to go on the question of popular participation in decision-making. Proposals for relevant reforms were rejected when the new constitution was being decided in 2000 – a lost opportunity for modernization. Nonetheless, the EU referendum of 1994 was a positive experience and awakened an appetite for more democracy in many people.

**Estonia:** by contrast with its southern neighbor Latvia, Estonia did not take up the direct democratic traditions of the inter-war period after the country regained its independence in 1991, but rather began to orient itself towards its politically centralized northern neighbors. The result is that ordinary Estonians have no rights of initiative or referendum: these are the

exclusive right of a majority in parliament. However, the obligatory constitutional referendum does exist and will be invoked for the first time during the coming decisions on integration (NATO and the EU); this may well help the country to achieve a higher rating in future.

**Belgium:** in common with the other Benelux countries and with Germany, Belgium appears to have a difficult relationship with national referendums. Since the Second World War, only two plebiscites have been held. Binding national referendums are still not allowed, which may lead to problems with European integration. The current prime minister Guy Verhofstadt is believed to support more direct democracy, but he is hindered in his ambitions at the national level by Walloon socialists. At the regional level, however, Flanders is on the point of agreeing a reform which, among other things, would provide for the right of popular initiative.

**Iceland:** since its independence in June 1944, this island state in the North Atlantic has never had a referendum. However, there does seem to be some potential, even though this is dependent on the will of the President of the country, who can submit a parliamentary decision to the people. This provision, which has existed since 1994, will prove to be important especially in questions of European integration: Iceland is currently debating whether to enter into negotiations to join the EU. Between 1908 and 1944 the Icelandic people voted on six occasions in all on questions of independence and the use of alcohol.

**Luxemburg:** the Grand Duchy owes its independence to a quasi direct-democratic movement (the «Petition Movement» of the 1860s). But in contrast to the principality of Liechtenstein, for example, the appetite for greater civilian rights remained weak. Since 1996 it has been possible to hold a referendum by law, which will be important for a future European referendum about a European constitution.

**Germany:** if on 7th June 2002 the necessary two-thirds majority had been achieved in the Bundestag (in support of the proposal to incorporate the popular initiative, the popular demand and the referendum into the constitution), Germany would have moved straightaway into the second set. Instead, Germany remains for the time being a country with no direct democratic procedures at the national level. However, in a country of more than 80 million people, the federal states (Länder) and the communes play a very important role and here popular rights have increased

enormously over the past 10 years. Nonetheless, in most places these still require reform in order to make them more people-friendly i.e. the existing quorums should be lowered or removed and the numerous difficulties in collecting signatures should be eased.

**Greece:** the democratic constitution of 1975 provided the basis for three different kinds of popular vote (initiative, referendum and constitutional referendum). However, all three forms are dependent on the readiness of the country's president to present issues to the people – and so far this has been absent. Nonetheless, for some years now strong forces within Greek society have been pressing for popular votes on such issues as European integration and secularization. In the quarrel over the removal of the declaration of religious affiliation from Greek identity cards, the Orthodox Church collected several million signatures.

**Czech Republic:** neither in the case of the restoration of democracy, nor in separating from Slovakia, nor in the question of accession to NATO did the Czech Parliament give the people the opportunity to vote. There is something of a tradition here – the Czech Republic is one of the very few countries in the world which has never had a referendum. But there is a possibility of a change: a new law of initiative and referendum is being worked out, specifically for the forthcoming decision on EU entry and there are serious forces within the political parties arguing for increased decision-making rights for citizens.

**Rumania:** Rumania is a young democracy which is still suffering considerably from its totalitarian heritage. This includes the experience of the dictator's plebiscite of 1986, when Nicolai Ceausescu arranged a referendum on an issue to do with the army and achieved a 100 % «Yes»-vote on a turnout of 99.99%! Despite this, there is another, older, tradition – that of the constitutional referendums which took place after 1864. In addition, there is a right of petition which could force a parliamentary debate but which – if it did come to a referendum – is burdened by a 50% turnout threshold.

**Portugal:** a few years ago, Portugal would have stood a chance of joining the «Democrats» in the second group. Now it seems that Portugal is condemned to a longer stay among the «Hopeless». What happened? In 1998 a very badly prepared and executed attempt was made to hold referendums on the questions of abortion and European integration. The first was rushed through within a matter of a few weeks, the second (on Europe) was deleted from the referendum

calendar by the constitutional court. What is especially bad is that leading politicians are now attempting to discredit popular rights with grounds for which they are themselves responsible.

**Bulgaria:** during the last ten years of democratic reconstruction, Bulgaria's citizens have not been able to vote on a single substantive issue. In addition, constitutional change is specifically excluded as a subject of a popular referendum, which can be launched by a majority in parliament. There is no experience of direct democracy at the local level either. The only legally-based provision for I&R is in the case of boundary changes affecting local communities. However, the Bulgarians will have to decide on EU accession in a few years' time.

**Malta:** according to the EU Commission, this small Mediterranean island state fulfills «all the standards of democracy and human rights» and yet – with the sole exception of parliamentary elections – Malta's citizens are unable to participate in the political life of their country. Since gaining independence from Great Britain in 1964, there have not even been any more plebiscites. The Nationalist Party of Prime Minister Edward Fenech Adami has announced that there will be a referendum on accession to the EU, but the opposition Labour Party is against the idea.

**Cyprus:** Cyprus is the odd man out in terms of European integration, as it has been effectively divided in two since the Turkish invasion of 1974. In this country whose geopolitical exposure has made it the target of foreign forces for millennia, there have been so far no signs of movement towards direct democracy – apart from two presidential plebiscites in the Turkish-occupied northern half of the country. Apart from a possible accession to the EU, which would necessitate the very first referendum in Cyprus, there is nothing to indicate any likely moves in the direction of more democracy.

**Turkey:** although officially an EU candidate country with a representative in the European Convention, Turkey fails to come up to even the minimum standards in Europe as regards democracy and human rights. The Turkish constitution does refer to the possibility of holding referendums, but the basis for these is neither developed nor defined.

## **Notes**

1. Hermann K. Heussner, Otmar Jung (Hg.), Mehr direkte Demokratie wagen, Volksbegehren und Volksentscheid: Geschichte – Praxis – Vorschläge. Olzog-Verlag 1999
2. Plebiscites were included in the figures for national referendums. Plebiscites are distinguished by being initiated, managed and in part also controlled and manipulated from above i.e. they may sometimes work counter-productively for direct democracy.
3. All figures are taken from the IRI World Almanac, which is due to be published by Carolina Academic Press at the end of 2002.
4. Direct democracy and European integration are the subject of an IRI Europe report currently being produced and which will be published to coincide with a conference with the same title which will take place in the European Parliament on 19th September 2002.
5. The members of this working group included the two authors of this report – Andreas Gross (IRI Europe research director, member of the Swiss parliament and of the Council of Europe, head of the Atelier pour la démocratie directe in St. Ursanne, Switzerland) and Bruno Kaufmann (IRI Europe President, peace and conflict researcher, northern Europe correspondent for Swiss Radio, European correspondent for Radio Sweden International) – as well as Heiko Dittmer (member of IRI Europe's board, co-ordinator of the Network for Direct Democracy in Europe, expert on payment systems with IBM), Frank Rehmet (scientific adviser to Mehr Demokratie, Frankfurt/Main), Gerhard Schuster (member of the board of Eurovision, Vienna), Fredi Krebs (secretary general of the Atelier pour la démocratie directe in St. Ursanne) and Jürgen Zinnel (political scientist, assistant at the Atelier pour la démocratie directe, St. Ursanne).

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