

Localism and Direct Democracy:

Comparative Perspective from West European Representative Democracies

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**Abstract:** After a quick overview of the British provisions for direct democracy, this paper looks at experiences with initiatives and other forms of direct legislation at the local level in Germany, Belgium and the Netherlands. It is generally concluded that these mechanisms provide a complement to representative government and generally result in more consensus government. While the effects have generally been positive there is little evidence to suggest that provisions for direct legislation has policy effects, i.e. lead to higher or lower levels of taxation or enhances – or the opposite – citizen participation.

*A nation does not have to be judged fit for democracy; it becomes  
it through democracy*

*Amartya Sen<sup>1</sup>.*

In a classic analysis A. H. Birch famously observed, that “there has been no support at all for the idea that the initiative and the referendum should be adopted as a permanent institution of government, as it is in Switzerland. Views of this kind...have never acquired any kind of influence”<sup>2</sup>.

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<sup>1</sup> <http://www.wmd.org/assemblies/first-assembly/keynote>

<sup>2</sup> A.H. Birch (1964) *Representative and Responsible Government: An Essey on the British Constitution*, London, Allen and Unwin, pp.227-228.

Despite experiments with referendums in the 1970s, this view remained valid until the 1990s. Indeed, as recently as the 1990s, a Tristan Garrell-Jones, then the Minister for Europe in a Conservative Government, said the very idea of a referendum “was an abdication of the responsibility of the House [of Commons] and of the Government of the day”<sup>3</sup>. Needless to say, local referendums do not involve the Westminster parliament, but the same principle applies; if voters elect members of local assemblies or councils these should, under normal circumstances, be expected to carry out their responsibilities – and not merely send the decisions back to their electors.

Yet, in recent years there has been a growing demand for more mechanisms of direct democracy in the form of citizens’ initiatives and local referendums<sup>4</sup>. The *Localism Bill 2010-2011* currently before parliament is a case in point. The Bill proposes to give “residents the power to instigate local referendums on any local issue and the power to veto excessive council tax increases”<sup>5</sup>.

In the United Kingdom, we have – on the face of it – had very little experience with referendums. This is true for the national level. It is, however, less true for the local level. An informal facility to hold referendums has existed for well over 50 years as a sort of concession to local democracy. *The Local Government Act 1972* allowed electors’ parish councils to require the district council in whose area they were located to hold an advisory referendum on an issue of concern.

The scope for local referendums was widened by the *Local Government Act 2003*. Principal local authorities were given powers to conduct a poll about any matter relating to “services provided in pursuance of the authority’s functions or the authority’s expenditure on such services”, or about “any other matter if it is one relating to the authority’s power to promote the well-being of its area”. (Section 116).

Moreover, the *Local Government Act 2000* granted voters in English and Welsh cities the right to demand a vote on whether to have an elected mayor. There have – as the table shows – been a fair number of these referendums, though it is fair to say that the voters have not flocked to demand these referendums, let alone vote in favour of having an elected mayor. Indeed, only in 13 out of the 40 referendums held, have the voters supported the proposition.

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<sup>3</sup> Tristan Garel-Jones, in House of Commons Debates, Vol. 204, 21 February 1992, Col. 627

<sup>4</sup> Tom Symons (2010) *What’s the verdict on local referendums?*, London, NLGN, p.5

<sup>5</sup> <http://services.parliament.uk/bills/2010-11/localism.html>

In other words, the drive towards ever greater use of direct democracy – at the local level! – is not a result of a change in government. It was part of the *Zeitgeist* under the previous government as well as the current one.

So far, only 35 cities have demanded such a referendum. Of course the right to demand a vote on one particular institutional change is a far cry from the right enjoyed by citizens in other countries. The experience shows that there is a precedent for citizen-initiated votes in the UK and that it has not encouraged a higher turnout in the cities where such polls have been held, possibly because the powers of the prospective mayors have been rather limited<sup>6</sup>

**Table 1: Citizen Initiated Referendums on Elected Mayors in England and Wales 2001-2011 (Pink no votes)**

Local authority	Date	Yes Votes	Yes Vote %	No Votes	No Vote %	Turnout %
Berwick-upon-Tweed	7 June 2001	3,617	26	10,212	74	64
Cheltenham	28 June 2001	8,083	33	16,602	67	32
Gloucester	28 June 2001	7,731	32	16,317	68	31
Watford	12 July 2001	7,636	52	7,140	48	25
Doncaster	20 September 2001	35,453	65	19,398	35	25
Kirklees	4 October 2001	10,169	27	27,977	73	13
Sunderland	11 October 2001	9,375	43	12,209	57	10
Brighton & Hove	18 October 2001	22,724	38	37,214	62	32

<sup>6</sup> C Copus, *Directly Elected Mayors*, Political Science Association, Annual Conference, 2006

Local authority	Date	Yes Votes	Yes Vote %	No Votes	No Vote %	Turnout %
Hartlepool	18 October 2001	10,667	51	10,294	49	34
Lewisham	18 October 2001	16,822	51	15,914	49	18
Middlesbrough	18 October 2001	29,067	84	5,422	16	34
North Tyneside	18 October 2001	30,262	58	22,296	42	36
Sedgefield	18 October 2001	10,628	47	11,869	53	33
Redditch	8 November 2001	7,250	44	9,198	56	28
Durham	20 November 2001	8,327	41	11,974	59	29
Harrow	6 December 2001	17,502	43	23,554	57	26
Plymouth	24 January 2002	29,559	41	42,811	59	40
Harlow	24 January 2002	5,296	25	15,490	75	25
Newham	31 January 2002	27,263	68	12,687	32	26
Southwark	31 January 2002	6,054	31	13,217	69	11
West Devon	31 January 2002	3,555	23	12,190	77	42
Shepway	31 January 2002	11,357	44	14,438	56	36

Local authority	Date	Yes Votes	Yes Vote %	No Votes	No Vote %	Turnout %
Bedford	21 February 2002	11,316	67	5,537	33	16
Hackney	2 May 2002	24,697	59	10,547	41	32
Mansfield	2 May 2002	8,973	55	7,350	45	21
Newcastle-under-Lyme	2 May 2002	12,912	44	16,468	56	31.5
Oxford	2 May 2002	14,692	44	18,686	56	34
Stoke on Trent	2 May 2002	28,601	58	20,578	42	27
Corby	1 October 2002	5,351	46	6239	54	31
Ealing	12 December 2002	9,454	45	11,655	55	10
Ceredigion	20 May 2004	5,308	27	14,013	73	36
Isle of Wight	5 May 2005	28,786	43.7	37,097	56.3	60.4
Fenland	14 July 2005	5,509	24.2	17,296	75.8	33.6
Torbay	14 July 2005	18,074	55.2	14,682	44.8	32.1
Crewe and Nantwich	4 May 2006	11,808	38.2	18,768	60.8	35.3
Darlington	27 September	7,981	41.6	11,226	58.4	24.6

Local authority	Date	Yes Votes	Yes Vote %	No Votes	No Vote %	Turnout %
	2007					
Bury	3 July 2008	10,338	40.1	15,425	59.9	18.3
Tower Hamlets	6 May 2010	60,758	60.3	39,857	39.7	62.1
Great Yarmouth	5 May 2011	10,051	39.2	15,595	60.8	36

Source : Electoral Commission 2011

The aim here is not to survey the history of this kind of direct democracy in Britain – which I have dealt with elsewhere<sup>7</sup> – but to look at the likely effect of allowing the people the right to propose (local) legislation. We do this by looking at the experience not of places like Switzerland and California, but by looking at experiences in established representative democracies like Germany, Belgium and the Netherlands.

### **Citizen Initiated Referendums: An Empirical Assessment**

While referendums are widespread in Western democracies, initiatives like those anticipated in the *Localism Bill 2010-2011* are relatively rare. Until the early 1990s, no countries in Western Europe – with the exception of Switzerland – had the initiative.

This changed after the fall of the Berlin Wall. The Swiss extended the provisions for Initiatives to also cover ordinary legislation and provisions for the initiatives were introduced in the Ukraine, Hungary, Latvia, Slovakia and Lithuania. Voters in Hungary, Lithuania and Slovakia, as well as in Italy and Slovenia, also have the right to demand a referendum on a decision made by the government. But the Initiative is still rare in long established democracies.

Furthermore, citizens in several German *Länder* were given the right to initiate legislation, and similar provisions were introduced into Belgium and the Netherlands.

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<sup>7</sup> M. Qvortrup (2005) *A Comparative Study of Referendums*, Manchester, Manchester University Press

In 2006 the *Power Commission* – a British cross-party pressure group – proposed the introduction of the citizens’ initiative. According to the report by the commission (*Power to the People*), “Citizens should be given the right to initiate legislative processes”<sup>8</sup>. But how would the initiative fare if it were to be introduced into Britain? The evidence from California, Oregon and Switzerland, may not be of much use. No one seriously believes that the parliamentary system of government in the UK could – or indeed, should, be replaced by a direct democracy like the one known in these countries. What we need is to look at countries that have used the Initiative sparingly.

In Europe the initiative has been utilised at the local and state levels in Belgium, the Netherlands and Germany, where initiatives have recently played an increasing – if not always very publicised – role in local government<sup>9</sup>.

### Germany

Direct democracy in the Federal Republic was long anathema to the constitution. Under the Weimar Republic, the citizens had the right to petition referendums. Thus Art 73 of the Constitution stated that: “A law passed by Reichstag has to be presented in a plebiscite... if one twentieth of the enfranchised voters demand so”. However, no referendum was held under this provision.

Spurred on by the democratization of Eastern Europe, all the states (*Länder*) adopted the initiative in 1990 (previously this right was only enjoyed by the citizens of Bavaria). Yet, after the fall of Communism in Eastern Europe and the unification, *all* the German *Länder* have introduced the referendum and the initiative.

**Table 2: Provisions for Initiatives in Germany**

State ( <i>Land</i> )	Signature Requirement	Super Majority Requirement
Baden-Württemberg	16,6 %	33,3 %
Bavaria	10 %	No quorum
Berlin	20 %	25 %
Brandenburg	ca. 4 %	25 %

<sup>8</sup> Power Commission (2006), London, Power Commission, 238.

<sup>9</sup> Scarrow 2001, 663

Bremen	20 %	25 %
Hamburg	5 %	20 %
Hessen	20 %	NoQuorum
Mecklenburg-Vorpommern	ca. 8,5 %	33,3 %
Niedersachsen	10 %	25 %
Nordrhein-Westfalen	8 %	15 %
Rheinland-Pfalz	ca. 10 %	25 %-Turnout requirement
Saarland	20 %	50 %
Sachsen	ca. 12 %	No Quorum
Sachsen-Anhalt	11 %	25 %
Schleswig-Holstein	5 %	25 %
Thüringen	10 % (F) 8 % (A)	25 %

Mehr Demokratie 2007

This, of course, does not mean that the referendum has had the same effects as in California – or even New Zealand. Indeed, the figures do not unequivocally prove that the introduction of mechanisms of direct democracy leads to more trust, greener government and more fiscal responsibility. This, in part is because of the issues that have been submitted to the voters.

Germany, constitutionally speaking, suffered from what an observer has called *die plebisphebie der Nachkriegs-era*<sup>10</sup> – the plebiscite phobia of the post-war era. This persisted until the 1960s, when *Länder* like Bavaria and North Rheine – Westphalia introduced the abrogative referendum (and – in the case of Bavaria – also the initiative).

One of the predicted beneficial effects of the initiative is that politicians are perceived as being more responsive to the views of the voters. A similar effect was noted in Germany. In the early 1990s, the Social Democrat government in North Rheine-Westphalia, decided to introduce the so-called *Ko-operative schule* - roughly speaking a form of ‘comprehensive’. This meant that the *Länder* would abolish the *Gymnasium* (the equivalent of our grammar schools). The Social Democrats had a majority in the *Landtag* (provincial parliament), hence they were relatively free to introduce legislation. The only restriction on legislators was the

<sup>10</sup> Wolfgang Luthardt 1994, ) *Direkte Demokratie. Ein Internationaler Vergleich*, Baden–Baden, Nomos-Verlag, 155

voters. In this case, the latter took action. After the proposal for the school-reform had been tabled, a group of citizens established *Stop-Ko-op*. The citizens – with the support of the opposition parties CDU and FDP – easily collected the support of more than 15 percent of the voters. In the face of this opposition, Johannes Rau – the State Premier (*Ministerpräsident*) amended the Bill. Existing *Gymnasiums* were allowed to continue alongside the new comprehensives.

The initiative had worked although no poll was held. Trust in politicians increased – and turnout was up 2.3 percent by the time of subsequent election.

Interestingly, the Social Democrats were returned to office – but the idea of comprehensive schools was silently dropped. The people won the argument – not the opposition parties, who sought to ride on the coattails of an unpopular measure<sup>11</sup>.

**Table 3: Thematic List of Direct Democracy in Germany 1949-2006**

Theme	Number 2006	2006 in %	Total Number (1949-2006)	In % in total
Social Issues	5	26 %	29	13 %
Heritage and Culture	4	21 %	67	30 %
Democracy	4	21 %	49	22 %
Economics	1	5 %	21	9 %
Environment	1	5 %	23	10 %
Transport	1	5 %	14	6 %
Miscellaneous	3	16 %	20	9 %
<b>Total</b>	<b>19</b>	<b>100 %</b>	<b>223</b>	<b>100 %</b>

Personal Communication with Prof. Theo Schiller, Marburg University, June 2007

## Belgium

That the Belgian voters should have a direct say in politics would have seemed unlikely two decades ago. Indeed, the initiative was then regarded as unconstitutional. This has changed – at least at the local level. The introduction of the referendum in Belgium has been a two-stage process. From the 1960s up to the 1990s, a number of Belgian municipalities themselves took some initiatives to introduce elements of participatory democracy (such as consultative referendums) to give citizens the opportunity to express their desires and grievances regarding local policy. However, at this time, no legal framework existed. In the 1970s-80s,

<sup>11</sup> Wolfgang Luthardt (1994) *Direkte Demokratie*, ibid.

non binding local referendums were organised in Nivelles (1974), Andenne (1978), Tessengerlo (1979) and Florenne (1982).

Since the beginning of the 1990s this has taken off. Following the passage of the Municipal Law of 1995, citizen referendums were introduced. And in 2006, the Flemish government went one step further and introduced the *citizen initiative*. However, the initiatives and referendums in Belgium are subject to restrictions. Thus issues such as taxes, local budgets, and immigration were exempt. This, obviously, makes it difficult to compare the results with outcomes and effects in Switzerland and California.

Since the introduction of a legal framework for local referendums in 1995, 24 popular consultations have been organised, 13 by Walloon local authorities and 11 in Flemish communes.

**Table 4: Local referendums organised in Belgium since 1994**

<b>Walloon region</b>				
<b>Municipality</b>	<b>Date</b>	<b>Initiator</b>	<b>Subject</b>	<b>turnout</b>
Erezée	1994	Council	Working of a stone-pit	missing
Mons	17/09/1995	Council	parking on market place	15.2%
Ath	8/10/1995	Council	reorganisation of marketplace, parking on market place	50.2%
Liège	9-14/10/1995	Council	Reorganisation of marketplace	2.5% (v.n.c)*
Namur	02/06/1996	Council	Walloon parliament	54.3%
La Louvière	11/02/1996	Council	Domestic waste collection	20.7%
Ciney	13/10/1996	action committee	Setting up a waste incinerator	60.9%
Beauraing	28/06/1998	action committee	Storage of low-grade radioactive waste	67.7%
Amay	1998	Council	Development of town centre	27.4%
Bastogne	10/03/2003	Council	Domestic waste collection	39.6%
Huy	10/04/2005	Opposition	Transformation of a public park	27%

Bièvres	25/03/2005	Council	Building windmills	7%
Lobbes	29/05/2005	Council	Building a public swimming pool	49%
<b>Flemish region</b>				
<b>Municipality</b>	<b>Date</b>	<b>Initiator</b>	<b>Subject</b>	<b>turnout</b>
Genk	13/10/1996	Opposition	shopping centre	37.5% (v.n.c.*)
Begijnendijk	29/06/1997	Opposition	Demolition of old town hall; closing of communal swimming pool; construction of cultural centre	33% (v.n.c.*)
Gent	14/12/1997	action committee	Underground parking garage	41.1%
Sint-Niklaas	28/06/1998	Opposition	Parking garage	40.3%
Boechout	28/06/1998	Opposition	Communal library	49.5%
Zulte	28/03/1999	Opposition	Implantation of industrial park	23.4% (v.n.c.*)
Gent	25/04/1999	action committee	Public transport	22% (v.n.c.*)
Peer	13/01/2002	Council	Road safety	35%
Genk	9/06/2002	Opposition	Development of town centre	20.2%
Ieper	21/09/2003	Opposition	Domestic waste collection	40%
Assenede	24/04/2004	action committee	Sports complex	11% (v.n.c.*)

\* votes not counted

Sources: Jean-Benoit Pilet, Dries Verlet, An Heyerick, Pascal Delwit and Thomas Block *Participatory Democracy in Belgium. Between the Politician's Mistrust and Citizen Apathy, Unpublished document 2006*

Concerning the themes for which local referendums are organised, issues related to town-planning are the main subjects, followed by environmental topics, and mobility to a lesser degree. Three of the twenty-four concerned a domestic waste problem, three the construction of buildings potentially damaging to the environment (incinerator, nuclear waste). Two related to aspects of transport and traffic, and all others concerned projects proposed by the local authorities relating to town-planning. In particular, new buildings in symbolic areas of the municipality (market place, town hall, church, and the like) are among the frequent issues.

The involvement of the citizens is an important element in the analysis of the use of consultative referendums in Belgium. The first factor to stress is that in Wallonia the initiative rarely comes from the citizen. Of the 14 referendums, only 2 were organised on the initiative of citizens and one on the initiative of the opposition. All the others were decided upon by the municipal councils. The Flemish region shows a different picture.

Most Flemish local referendums were organised on the initiative of the opposition or an action committee. Furthermore, it can be established that citizens are mostly not overenthusiastic in casting their votes in a local referendum.

In Flanders not one of the referendums had a turnout of over 50%. In Wallonia, too, a relative lack of interest from citizens is evident, albeit to a lesser degree. In over half of the consultative referendums a turnout of 50% was not reached. Several reasons can be found for this relatively low turnout. First of all, citizens are not compelled to vote in a referendum (as they normally are in Belgium). If the citizen is not interested or the result of the referendum is of no relevance to him, he will not be motivated to vote. Secondly, local referendums are *not* binding. The lower impact of the vote on the final policy decision may also discourage citizens from casting their vote. Thirdly, turnout is lower when the proposal under question is not really contested. When voters expect the proposal of the authorities to go through on the nod, they tend not to vote. However, when the proposal made by the local authorities is highly contested and when the results of the referendum are hard to predict, turnout rises.

The evidence from Belgium seems to suggest that the referendum does not encourage greater turnout. The effects of the referendum in Belgium thus differ from the results found in Germany and America. Why? Possibly because most of the referendums in Belgium were *not* initiated by the people.

One of the most important aspects of the use of the referendum is how it is perceived by the representatives. Turkeys are rarely great fans of Christmas. And Belgian local representatives are no exception to this general rule. A study carried out by the “Steunpunt Bestuurlijke Organisatie Vlaanderen, SBOV” - a research centre in Flanders<sup>12</sup> - revealed a certain amount of scepticism among politicians about the benefits of the referendum at the local level. The respondents feared that referendums could lead to strong polarisation among citizens.

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<sup>12</sup> De Rynck, F., Bovy, S. and Meire, M., (2002) Kiezen voor verandering? Draagvlakanalyse voor het nieuw Vlaams Gemeentedecreet, In SBOV, *Tussen bestuurskunde en praktijk. Bijdragen voor duurzaam besturen in Vlaanderen. Jaarboek 2002*, Die Keure, Brugge, 341-355.

However, they did believe that referendums, as part of a process, could increase the legitimacy of policy decisions.

In Wallonia far less data is available about how local politicians and city managers see participatory devices. Though one study has showed that showed that 60.4% of local politicians in Wallonia are sceptical about local referendums<sup>13</sup>.

### **The Netherlands**

The Netherlands is a bit of a paradox politically. A model Republic from the 17<sup>th</sup> Century, many of the original ideas about tolerance, freedom and democracy were imported into Britain from the Low Countries. Yet, despite its democratic pedigree, the Netherlands was until 2005, one of only a handful of countries never to have held a nationwide referendum<sup>14</sup>.

The introduction of the devices was a consistent feature of the centrist liberal party D66's electoral platform since its formation in 1966<sup>15</sup>. However, the other main Dutch political parties (*Partij van der Arbeid*, PvdA, (Labour), *Christen Democratisch Appél*, CDA, (Christian Democrats) and the *Volkspartij van Vrijheid en Democratie*, VVD, (Liberals), have been opposed to referendums and initiatives<sup>16</sup>. Indeed, a former leader of the VVD devoted a whole essay to attacking the referendum as an institution which would 'sever the roots of democracy'<sup>17</sup>.

While this support has previously been but a peripheral issue, it gradually become one of the D66's touchstone issues, and indeed one of the party's conditions for joining the Liberals and the Christian Democrat in the coalition government led by Jan-Peter Balkenende (CDA) in 2003. While idealistic concerns should not be ignored, this enthusiasm for referendums was ostensibly also a result of the strong public support for referendums.

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<sup>13</sup>Kerrouche, E. and De Bruycker, P., (2000) *Pour un code wallon de la démocratie locale et de la décentralisation*. Gouvernement régional wallon, Namur.

<sup>14</sup> Piet Gilhuis, *Het Referendum: Ein rechtvergelijkende studie*, Hague, Alpen aan den Rijn, 1981

<sup>16</sup>Joop J. M. Van Holsteyn (2005) *'To Refer or Not To Refer, That's the Question': On the First National Referendum in the Netherlands*, paper presented at the ECPR general conference, 8–10 September 2005, Budapest.

<sup>17</sup> W. J. Geertsema, *Het Referendum: Bijl aan de Wortels van de Democratie*, De Haan, Houlten, 1987.

According to the Dutch Parliamentary Election Study (DPES) of 2003, 76 per cent of the respondents ‘fully agreed’ with the statement ‘On some of the important decisions in our country voters should be able to vote by means of a so-called referendum’<sup>18</sup>.

The political elite was less convinced. Previously, a constitutional amendment for an abrogative referendum (*het korrektives referendum*)<sup>19</sup>—which would have allowed voters to demand a vote on an already existing law if they secured a particular number of signatures—had been proposed. This proposal was, however, rejected by the Senate (*Eerste Kamer*) in 1999 when Hans Weigel, another former leader of the Liberal party, cast his vote against the amendment, which consequently ‘failed to pass by one vote’<sup>20</sup>. As a result of this there are only provisions for local referendums and initiatives were introduced – and the latter, in fact only, in a few cities, most notably Nijmegen, Groningen and Leiden<sup>21</sup>.

### **Nijmegen: A Case Study**

Nijmegen stands out as the only municipality where the initiative has been used. Perhaps not surprisingly as the mayor Thom de Graaf (a former cabinet minister in the Hague), represents *D-66* in coalition with the Socialist Party (*Socialistische Partij*), The Green Party (*GroenLinks*) and The Labour Party *Partij van der Arbeid*. In a resolution (*verordening*) in 2000 the city council decided that the citizens should be entitled to propose new by-laws, provided that they could gather signatures from a specified number of citizens. This *volksinitiatief* (people’s initiative) would be held if a group was able to gather as many signatures as it on average took to elect a member of the city-council in 2006. In order that the process should not be hijacked by political parties eager to score points, it was agreed that political parties would be barred from formally organising an initiative and that this should be left to community groups<sup>22</sup>. In a subsequent decision it was agreed that initiatives could not concern minority groups (*kwetsbare groepen*) and individuals (*individuele kwesties*). But apart from this, initiatives could be held on all matters devolved to local government<sup>23</sup>. Undoubtedly, the city council believed that the mechanism would primarily be used by

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<sup>18</sup> Holsteyn, cit. Op, 34

<sup>19</sup> Paul Lucardie and Gerrit Voerman, ‘The Netherlands’, *European Journal of Political Research*, vol. 43, no. 4, 2004, pp.1084–92.

<sup>20</sup> R. B. Andeweg and G. A. Irwin, *Governance and Politics in the Netherlands*, 2nd edn, Basingstoke, Palgrave, 2005, p. 87.

<sup>21</sup> Gemjeenteblad Nijmegen *Referendumverordening (2000)*

<sup>22</sup> Ibid

<sup>23</sup> *Raadsvoorstel nr. 169/2004*

groups on the left<sup>24</sup>. This was not to be. As always, a bit of context is useful. In the 17<sup>th</sup> century the Prince of Orange – a relative of William of Orange – had built a tower in the city, which was used as a prison for prominent historical figures. During the Second World War, however, most of Nijmegen was levelled - and the tower and many other historical buildings were destroyed. In 2000 a temporary model of the tower was built in the *Valkhofpark* in the centre of town. But the structure was not permanent. Individual citizens organised a petition with the aim of holding an initiative. This was not the way the city council's majority had wanted to use the initiative. Indeed, the Green Party, was flatly against the building of a permanent 120 ft tower in a recreational park. However, the citizens easily succeeded in getting the required 1632 signatures. One of the aims of introducing the initiative was to boost turnout and increase public engagement in the political process. Like in Britain, however, turnout in local and council elections has been lamentably low (often descending into the low twenties). In order to test if the initiative had this effect as well as to ensure that the decision would be seen as legitimate, the poll was scheduled for the same date as the municipal elections, i.e. on 6<sup>th</sup> of March 2006. One of the original arguments for referendums was that they allowed the voters to have their democratic cake and eat it. A.V. Dicey – who championed its introduction in England – believed that it would allow voters to “distinguish between measures and men”.

That is, voters could simultaneously vote for a party they agreed with and at the same time vote for a policy, which was opposed by the same party. This is very much what happened in Nijmegen in March 2006, the Green Party and its allies on the left won the election and maintained their majority at City Hall, however, they voted for the permanent building of the tower or *het Donjon* as it is called in the local vernacular. 60.19 percent of the voters – on a 55 percent turnout – voted ‘yes’ to the proposition: ‘Are you for or against the building of the dungeon tower?’ (*Bent u voor of tegen herbouw van de donjon?*).

But does this result mean that the initiative achieved its stated aims? It is one thing that the voters were able to make decisions without seemingly being swayed by their party loyalties, but did the initiative also reach its participatory aims? It is difficult to answer this question unequivocally in the absence of survey data. However, officials and stakeholders point to a number of features which were observed. One of these was the generally higher turnout. Dr Marjan Hendriks, the City Clerk in charge of the initiative is of the view that the poll had a number of secondary policy effects. She says: “The fact that the initiative was held on the

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<sup>24</sup> Personal communication with Mayor Thom de Graaf (1 July 2007)

same day as the municipal election partly led to a higher turnout. It was not the initiative alone, but the two strengthened each other”<sup>25</sup>.

This is reinforced by figures from the municipal elections elsewhere in the Netherlands. Whereas turnout stagnated in most other cities, it was higher in Nijmegen as well as it was up a couple of notches in Groeningen (where a citizen initiated referendum was also held on polling day). This is not conclusive evidence that initiatives and referendums result in higher turnout and deeper political engagement, but interest in the initiative makes this highly probable according to Dr. Hendriks: “It led to a lot of publicity and discussion, which is good for interest in politics”

The initiative in Nijmegen is but advisory. The voters cannot force the city government to implement a policy. This, however, had a notable effect. Unlike in New Zealand, where the government ignored the initiative about fire-fighters, the local authority in Nijmegen abided by the result of the initiative. But the outcome has gone deeper than this: “There is reason to believe that the city authorities, especially the Green Party and the Labour Party have reconsidered their positions on a number of issues, possibly because they want to avoid being undercut by the voters. It is not a welcome prospect to be shown that the citizens disagree with you”, notes Dr. Hendriks.

The most important effect of the vote is – she believes – that “the initiative is good for trust in politicians and in some of the parties. It is not a big deal. Not an issue we talk about every day. But it has worked without altering the main structure of local government”.

## **Last Thoughts**

What can we conclude? Are these mechanisms as efficient as they are said to be? Or are they as dangerous as others would have us believe? Critics have argued that the direct democracy is both time consuming and costly, and that it would lead to democratic fatigue. In extreme cases they are right. People do not want politics all the time. Yet in manageable doses, direct democracy - as employed in at the local level in Germany, Belgium and the Netherlands – works and provides an effective complement to the representative system of government. There is support for the proposition that that the initiative has positive benefits – though the

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<sup>25</sup>Interview with the author 1 July 2007

effects of this mechanism are not as drastic and panglosian as enthusiasts would have us believe.