

# Challenges and Problems of Local Democracy in Germany

Prof. em. Dr. habil. Jochen Franzke (University Potsdam)

*Lecture Institute of Political Studies, Charles University Prague*

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## Lecture II “Challenges and Problems of Local Democracy in Germany”

1. Representative Democracy at Local Level (Citizens elect)
2. Direct Democracy at Local Level (Citizens decide)
3. Cooperative Democracy at Local Level (Citizens advice)
4. Conclusions

# What forms of local democracy and citizen participation in local affairs do you know?

## Models of municipal rule in History

- Rule by electing representatives by citizen (since 1808 only house owner, since 1919 democratic))
- Rule by notables (in 19<sup>th</sup> century)
- Rule by local bureaucracy (since second half of 19<sup>th</sup> century)
- Rule by party or parties (since end of 19 century)
- Rule by “leaders” (1933-1945 in the third Reich, 1949-1989 in East Germany)

### Second lecture - Different forms – variety of instruments

- **Representative democracy** as election of representatives (councillors) - traditional form of local democracy, In Germany since 1808, since 1919 as democratic election, traditional dominance of this form of local democracy in Germany, differences by size: municipal concordance and competitive democracy, currently in a crisis
- **Direct democracy**: relatively new form of decision-making and conflict solution directly by the people by bypassing the council in policy or personnel decisions (introduced 1955 in Baden-Württemberg, after 1990 in all German federal states direct election of mayors and municipal referendums introduced, positively implemented), gaining influence in local politics in some German federal states
- **Cooperative democracy**: “all dialog oriented procedures for cooperative problem solving at local level, participation of citizens and civil society organizations in policy formulation and policy implementation” (Bogumil/Holtkamp 2002: 5), in Germany on the rise since 2000

Role of direct democracy still unclear: supplementing representative democracy or replacing it?

**Zero sum game or positive sum game?**

### Different opinions on local democracy

#### Traditional modernizer (Vote)

- + Political responsibility for policy decisions must be clear and accountable
  - + "Democratic elite rule", citizens not interested in politics and not able to understand it
  - + Limited role of citizens as voters, possibly passive consumer
  - + "**zero sum game**" (More civic participation as loss of power of established actors, claim inflation or diffusion of responsibility)
- = Better local democracy only by strengthening council

#### Alternative modernizers (Voice)

- + Citizens with self-deployment and self-determination aspirations in focus
  - + Political participation of citizens pushed by communitarians, Anti-Institutionalisms and basis democracy (highly disputed)
  - + **Positive-sum game** by high prerequisites: permanent and active participation of citizens, waiver of special interest politics / administration
- = better local democracy by more participation

## Representative Democracy at Local Level



Based on different legacies

- (1) General criticism of traditional forms and procedures of representative democracy and party democracy: call for direct democracy - “grass-root democratic” legacy of **East Germans** peaceful revolution
  - (2) tradition of citizens movement **in West Germany** since 1960ees for more direct democracy
- ▶ Middle-class bias of local democracy and participation, Dominance of certain groups of citizens (**Social selectivity**) especially highly educated, members of higher professional positions, men in middle generation, civil servants, pensioners
  - ▶ **Exclusion of social groups** (e. g. minorities, Long-term unemployed, young people), increasingly self-exclusion

### Representative Democracy at Local Level in Crisis

- Decline in turnout since 1990 (from 75 to 55 % in Western federal states, from 65 to 45 % in Eastern ones), Increasing volatility of voters (since 2016 new trend of partly increasing turnout)
- Part of general crisis of party based democracy in Germany: Decrease in membership of “established” parties from 2,3 Mio (1990) to 1,2 Mio. (2021), mainly because of erosion of social milieus, Lack of vitality in local political parties (decreasing integrative capacity)
- Loss of legitimacy, decrease in responsiveness, increasing social selectivity (dramatic turnout decline in social problematic neighborhoods or city quarters)
- Overload of local politics, lack of professionalism (councilors as part-time politicians)

### Activities to strengthen model of representation

- Reforming electoral system (Lowering voting age to 16 years, EU citizens got active and passive right to vote, Abolishing restrictive clause, Introduction of accumulation and panashaging in local elections (except North Rhine-Westphalia and Saarland))



- **Aimed to improve performance of municipal councils** (better accountability and information)
- **Accumulation (give more votes than one to a candidate)** in order to improve its position within an open list (not possible in majority voting system with less than two lists as in North Rhine-Westphalia)
- **Panaschage (splitting the vote)** - opportunity in personal multiple voting systems with free list to distribute the votes to candidates of different lists
- Aim: **Limiting influence of party leaderships on lists, but number of invalid votes increased (complicated system)**
- Each voter with as many votes as seats in municipal council, Example: In Munich each voter has 80 votes which he could distribute among 728 candidates (possible overburdening of voters)

## Why representative democracy is in crisis also at local level?

### Problems

- Differentiation between individual citizen and organized civil society
- Ability to discuss with local politicians and senior administrative managers at the same level? (Citizenship as own serious actor in local politics)

### Prerequisites of participation

- Legitimate representation of affected groups (**legitimacy**)
- Interest of citizens to engage in participatory processes (**motivation, durability**)
- Information of citizens, communication between them and local politicians and local administration (**information, communication**)
- Competence of citizens (**qualification, coordination**)
- Financing of public participation (**costs**)

## Direct Democracy at Local Level



Developed positively in recent decades in municipalities in many German federal states - Two steps

**Citizen's initiative:** citizens decide on a substantive local issue

- ❑ in majority of federal states certain important local issues excluded ("negative catalogue"), only Bavaria, Hamburg, Hesse and Saxony generally forego such exclusions
- ❑ signature quorum between 2 and 15 % (in different German Länder),
- ❑ council can accept initiative; if he rejected it, their initiators can initiate a local referendum, if they gain support of enough voters

**Local referenda:** "from below" induced a citizen's vote at municipal level on substantive local issue

- ❑ in some federal states also possible "from above" by local council ("council referenda")
- ❑ successful if meeting a double voting quorum: **participation quorum** between 10 - 25 % and majority of voters must approve the bill (**approval quorum**);
- ❑ in case of success same legal effect as a council decision

### I Local referenda

- ▶ From 1956 to 2022 nearly **9,000 citizen's initiatives and local referenda** initiated, resulted in 4.503 citizens' decisions, More than half of them took place between 2003 and 2017, since than little less new ones, especially during the pandemic.
- ▶ **Two types of local referenda:**
  - ❑ **Citizens referenda:** 7.448 initiated "from below" by citizens with success rate 50 %.
  - ❑ 1.510 counsellors initiated "from above" (**initiated referenda**) with success rate 56 %.
- ▶ 40 % of all referenda took part in **Bavaria**, also in Hamburg, Berlin, Bremen, North Rhine-Westphalia and Hesse part of local political culture in many municipalities.
- ▶ Thematic focus: Public social and educational institutions (20 %), economic projects (20 %) and transport projects (16 %) – **Land use planning** in some federal states included
- ▶ 39 % of all **initiatives and local referenda** completed **successful** in terms of submission - referendum is not absolutely necessary for success: 851 of the 6,261 petitions (13.6 %) succeeded in persuading local council to take a decision in the spirit of the initiators.

See Local referendums in Germany 1956–2022 Factsheet / Key Facts 2023.

## VII Direct Democracy at Local Level



### II Direct election and removal of the mayor (Heads of county administration)

- ▶ *Performance deficit*: council-elected mayor too dependent on council and institutionally not strong enough to exercise effective political and executive leadership, particularly difficult budgetary decisions (contrasted with directly elected mayor especially of the Baden-Württemberg type who was credited with being an effective political and executive leader not least in budgetary matters)
- ▶ direct democratic innovation “recall” of mayor by way of local referendum (part of new municipal constitutions in the 1990<sup>th</sup>)

Variants of “recall” procedure: (1) *Brandenburg, Sachsen* and *Schleswig-Holstein* recall initiated by electorate; (2) In all other federal states municipal council decides on re-call with qualified majority, (3) in Baden-Württemberg and Bayern no recall possible.

Introduction of direct election of mayor, complemented by recall procedure, significantly strengthened and enlarged political empowerment of citizens

### Different instruments (selection)

- **Advocacy planning:** used in Germany since 1970 as instrument of public participation in urban planning, an “advocate” (not in legal sense; usually a planner) gives ordinary citizens expert advice in planning matters, assists them and represents them before official bodies
- **Planning cells** a group of 25 randomly selected citizens, for several weeks exempted and remunerated by public sector lay planner are trying to find solutions to local problems
- **Round tables:** especially popular in East Germany from the times of the revolution, achieving consensus by agreement to a local problem based on equal representation of all relevant actors popular all over Germany
- **Future workshops:** Debating long-term prospects of local politics
- **Advisory councils:** traditional instrument of local politics in Germany, citizens as experts giving advice to local council and administration, for example in youth councils, urban development councils or senior advisory councils
- **New trend citizens councils:** since 2019 on climate protection (Berlin), on agriculture and further development of Black Forest National Park (Baden-Württemberg) and Corona policy (Baden-Württemberg, Saxony, Thuringia), random selection ensures more diverse perspectives, Balancing interests by deliberation leads to compromises, supported by broadest possible majority.



### Example Participatory budgets (or citizen's budgets)

Modern form of involvement of non-elected citizens resp. inhabitants in the discussion of municipal budgets and/or allocation of municipal public finances in a direct, permanent and independent way under the following circumstances:

1. The financial and/or budgetary dimension must be discussed (problem of limited resources)
2. The city level or a (decentralized) district with an elected body and some power over administration has to be involved (neighbourhood level not enough)
3. It has to be a repeated process (One meeting or referendum on financial issues not enough)
4. Including forms of public deliberation (specific meetings or forums) (Opening of administrative meetings or representative instances to “normal” citizens not enough)
5. Some accountability of the council on the output (final decisions) required

According to Sintomer et al. 2010



## VII Cooperative Democracy at Local Level



### Participatory Budgets – Part of General Changes in Local Budgeting

- ▶ New local cost accounting system (Performance Budgeting, Product Budgeting)
- ▶ Readable and transparent Budgeting
- ▶ Gender Budgeting
- ▶ Generation Budgeting
- ▶ Sustainable Budgeting
- ▶ Spatial (territorial orientated) Budgeting
- ▶ Participatory Budgeting

## VII Cooperative Democracy at Local Level

- ▶ Flash point: Crisis of Local Budgets (since Mid-1980s, increasing since 2007)
- ▶ Starting in **1998** in the municipality of Mönchweiler;
- ▶ 78 cases in 2017
- ▶ The following German cities can be regarded as **best practice cases**: Bonn, Berlin Lichtenberg, Berlin Marzahn-Hellersdorf, Emsdetten, Groß-Umstadt, Hilden, Potsdam, and Cologne
- ▶ Between 20.000 and 1.000.000 inhabitants; different political leadership (mayors from SPD, CDU and Linke)

### Two Types in Germany

- ▶ **Consultation of public finances** (in most German cases e.g. Bonn, Emsdetten, Groß Umstadt, Hilden, Potsdam and Rheinstetten)
- ▶ **Obligatory citizen-friendly participation** (e.g. in Berlin Lichtenberg, Berlin Marzahn Hellersdorf)
- ▶ **Citizens funds**: getting own money for own projects in smaller parts of cities

## VII Cooperative Democracy at Local Level



### Success Factors / Standards (for citizens Budget)

- Political consensus in local council about the procedure
- Multi Channel Procedure
- Combination with other forms of local democracy
- Establishment of own steering institutions
- Empowerment of still not engaged citizens (specific measures)
- Integration of minorities (specific measures)
- Integration in the legal budgeting process of the local Council
- Accountability of the council to the citizens

## VII Cooperative Democracy at Local Level



**January 29, 2020, "TOP 20 - List of citizens" with most important proposals of Potsdam Citizen's Budget 2020/21 handed over to city council for discussion and decision (selection)**

### **Category 1: Citizens' proposals for budget consolidation / budget protection**

- No urban money for reconstruction of garrison church (controversial because of its role in Prussian militarism)
- Increase dog tax
- Open source software for city administration
- Energy saving through less street lighting

### **Category 2: Citizens' proposals for ongoing administrative activities (earnings budget)**

- ▶ Free public transport for everyone
- ▶ Fair payment: collective agreement in Ernst von Bergmann Clinic
- ▶ Climate emergency: accelerate protection program and plant trees

### **Category 3: Citizens' proposals for investment planning (financial budget)**

- ▶ Expand cycle paths and make them safer
- ▶ Build bypass and new bridges over the river Havel
- ▶ Green roofs and facades for a better city climate

## VII Cooperative Democracy at Local Level



### Problems, Open Questions

- Win-Win-Situation or Zero-Sum-Game?
- Lack of Representativeness? (9 % participation in Stuttgart, 7 % in Potsdam, up to 24 % in smaller municipalities)
- Capturing of participatory budgeting by local lobby groups?
- Participatory budgeting as instrument for legitimating of cost saving decisions? (Austerity by citizen's budgets?)
- Deciding on the whole budget or only on parts of it?

Participatory Budgets - **generic term** for variously differentiated possibilities of including citizens into discussion resp. decisions on local budgets - **Experiment**, depending on specific local situation, traditions, resources

### Possible effects

- + Contribution to consolidation and priorities of local financial resources
- + Better co-operation and changing understanding of the role in local politics of all participants involved (in particular the citizenry, local councilors and local administration)
- + Changing local political culture

## Conclusions



Second lecture on basis features of local democracy in Germany,

**Any final questions or remarks?**

**Thank you very much. Questions and Remarks are welcome**

Prof. Dr. habil. Jochen Franzke

- Supernumerary Professor for Administrative Science, Faculty of Economics and Social Sciences
- Member of the Board of the Institute of Local Government Studies of the University of Potsdam
- Dean of Teaching and Learning of the Faculty for Economics and Social Sciences (2007 - 2011)

Contact: University of Potsdam, Institute of Local Government Studies, Campus Griebnitzsee, Haus 7. August-Bebel-Str. 89, D 14482 Potsdam, **E-Mail: [franzke@uni-potsdam.de](mailto:franzke@uni-potsdam.de)**; Internet: <https://www.uni-potsdam.de/de/is-kuhlmann/lehrstuhl/prof-habil-dr-jochen-franzke>.