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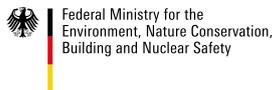
DEMOCRATIC INNOVATION AND PARTICIPATORY DEMOCRACY IN THE ALPINE AREA

COMPARATIVE REPORT





Co-financed by:



LEGAL NOTICE

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PREFACE AND ACKNOWLEDGMENTS

This comparative report is one of the main outputs of the Alpine Space Project “Governance and Youth in the Alps” (GaYA), which is currently being implemented by eight partners representing the Alpine territory. It consists of a legal and empirical analysis of democratic innovation within the Alpine Region and represents the result of several months of research, coordinated and directed by the Institute for Comparative Federalism of Eurac Research.

The definition of Alpine area adopted in this report follows that of the European macro-regional strategy for the Alpine Region (EUSALP).¹ It includes the seven states Austria, France, Germany, Italy, Liechtenstein, Slovenia and Switzerland and forty-eight of their subnational constituent entities.²

The GaYA project aims at increasing the quality of democracy in the Alpine area by enhancing the capacity of decision and policy-makers to involve youth as future leaders in democratic systems. GaYA is structured in several activities to be realized within a two-year time frame (2016-2018). Its final objective is to raise awareness and to spread knowledge with regard to the adoption of innovative methods and instruments of democratic participation in decision-making processes among political actors, civil servants and young adults.

This report provides a portrait of the legal framework of democratic innovation in the Alpine States and Regions and maps empirical trends by collecting good examples and innovative practices and procedures of participatory democracy implemented in the Alpine Region. However, the reader should be aware that the present research has no claim to exhaustiveness, being the latter conditioned by the selected methodology. The methodological approach employed in both the legal and the empirical part of the analysis is defined in each section respectively.

The major underpinning of this comparative research is the belief that the implementation of innovative forms of governance has great potential in terms of more sustainable and legitimate decision-making. The report pinpoints important features of participatory democracy such as its flexibility and adaptability to diverse political contexts and necessities. The study intends to provide a useful overview on the legal background and insights in practical tools of democratic innovation to local and regional policy- and decision makers in the Alpine territory. Furthermore, the report aims at contributing to the exchange and the exportability of good practices and expertise through Alpine Municipalities, Regions and States.

The structure and the underlying concept of this study constitute the result of the collective efforts of all project partners. However, the responsibility for the scientific research and for the results' interpretation lies with the authors and the scientific collaborators mentioned hereafter.³ We would like to thank our colleagues at Eurac Research for their intense commitment to this report, all project partners and observers, interviewees as well as all those who contributed to the collection of the material, the elaboration of the questionnaire and interview guideline as well as the conduction of interviews.

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¹ See: <http://www.alpine-space.eu/about/eu-regional-policy/macroeconomic-strategies/what-is-eusalp/> (accessed at 29.05.2017, as all further hyperlinks cited in this report).

² These are all nine Austrian Länder; the three French Regions Bourgogne-Franche-Comté, Provence-Alpes-Côte d'Azur, Rhône Alpes; the two German Länder Baden-Württemberg and Bavaria; the Italian Autonomous Provinces of Bolzano-Bozen/South Tyrol and Trento, the Autonomous Regions Friuli Venezia Giulia and Valle d'Aosta as well as the Regions Liguria, Lombardy, Piedmont and Veneto; and all the 26 Swiss cantons.

³ The first part of this comparative report (The Legal Framework of Participatory Democracy in the States and Regions of the Alpine Area) was written by Martina Trettel and Alice Valdesalici, the second part (Participatory Democracy in Municipal Practice in the Alpine Space) by Elisabeth Alber and Annika Kress. The six factsheets were elaborated by Alice Meier. The introduction and conclusion were written by Martina Trettel, Greta Klotz and Alice Meier.

INTRODUCTION

Representative democracy has been experiencing, in recent years, a severe crisis in relation to all levels of government: local, provincial, regional, national and supranational. The most striking evidence of this crisis is the low turnout at the polls and the widespread disinterest in issues linked to society and citizenship, particularly among young people along with their perception of democracy and of the political class. Although it is recognised that the instrument of representative democracy is still the method that allows modern systems to be governed democratically, a new phenomenon is slowly taking hold: that of participatory democracy. In fact, what all crisis situations, albeit determined by different causes, have in common is the ability to solicit new responses to the changing needs of the concerned community. Thus, institutions of representative democracy are attempting to offer a concrete and positive response to the current crisis by introducing new forms of citizens' involvement in decisions relating to the public sphere. Participatory democracy – in reference also to those democratic experiences known and developed in ancient Greece – should be intended as the synthesis of practices, devices and procedures that create citizens' means of effective involvement in decision-making processes of public administrations. The purpose is to enhance the legitimacy of political decisions, to improve the quality of public decisions, and, finally, to increase their level of effectiveness.

The present comparative study aims at mapping participatory democracy in the Alpine Region from the twofold institutional and empirical perspective. The structure of this report reflects the latter purpose. The first part of the report intends to offer a legal overview of all those sources of law – national and regional – that regulate or underpin manifestations of participatory democracy. The second part of the study collects good practices of democratic innovation concretely tested in the Alpine Space, particularly at local level. By comparatively analysing concrete practices, procedures and their underlying rationales, the second part of the report offers an empirical analysis of participatory democracy. The methodology used to collect legal sources and good practices is explained in the respective paragraphs of each part. Moreover, at the beginning of each part of the report, two infographics (visual maps) visualize the research's results. Furthermore, at the end of the report, six fact sheets summarise well-functioning and innovative examples of citizens' participation implemented in the Alpine Region.

This report has threefold addressees and objectives: it informs citizens of the Alpine Space, particularly young adults, on the participatory instruments offered to them; it serves as a compass for public officials when deciding to undertake a democratic path of participatory nature; finally, it is both a guideline and food for thoughts for politicians, aiming at drawing their attention to the benefits that participatory processes offer in the construction of shared and consensual decisions. In addition, in a territorial area characterised by remarkable internal differences but also socio-historical commonalities, such as the Alpine Space, this comparative study aims to be a means of transnational and cross-border exchange of know-hows, particularly for politicians and civil servants. The internal diversity concerns in particular the institutional aspect. Indeed, among the seven states and forty-eight Regions that make up the Alpine Space as a whole, there are profound differences as to the constitutional aspect and the degree of centralisation; the extent to which legislative, executive and financial powers are distributed among governmental levels widely varies, affecting the establishment and implementation of participatory democracy instruments.

Institutional asymmetries aside, the Regions and Municipalities of the Alpine Space share similar geographical, topographical, social, economic and cultural characteristics. Thus, a cognitive tool that is able to enhance dialogue among different institutions could be particularly useful for developing new democratic instruments, able to lead to positive and effective solutions.

In order to identify the legal sources and concrete examples of democratic innovation, the conceptual boundaries of the term participatory democracy must be outlined; put differently, the definition of what is meant by “participatory democracy” must be clear for the purposes of the correct understanding of this report. Thus, practices of participatory democracy are all those practices that address civil society in defining regulatory acts that both contribute to the formation of general political guidelines and, at the same time, provide for an “active” involvement of government bodies.

Those experiences must also demonstrate the nature of “openness” in the sense that all those potentially affected by a decision must have the chance to participate concretely in the formation of the decision itself through methodologies of deliberative democracy. They aim at complementing the strictly majority-based decision-making logics inherent to representative and direct democracy; in other words, they aim at overcoming the yes/no dichotomy.

By taking such a stance, processes of participatory democracy do not replace the traditional political processes of production of legal sources taking place in representative institutions. In fact, participatory democracy must find room to develop within these institutions, being integrated in a complementary, and not alternative, sense. With regard to their legal effects, these practices are generally of consultative nature, thus they cannot directly interfere with the decision-making process in which the participatory process is included. The final decision-making power indeed remains with the holders of the legislative and executive power. Finally, it has to be stressed that the definition of participatory democracy adopted for the purposes of this report is viewed and interpreted differently in each cultural, geographic and political context. For example, it may also be defined as “deliberative democracy”, “proximity democracy” or “democratic innovation” and similar formulations.

PART I

**THE LEGAL
FRAMEWORK OF
PARTICIPATORY
DEMOCRACY IN THE
STATES AND REGIONS
OF THE ALPINE AREA**



1.1 METHODOLOGY

Although the local level is more directly involved in triggering practices of participatory democracy, the legal part of this report mostly focuses on portraying the existing legal framework of participatory democracy verifying if, where and with respect to what level of government, regulatory references attributable to this set of experiences can be identified. To this end, the authors opted to investigate sources of law in order to identify any references to instruments attributable to participatory democracy, in principle as well as in operational terms. Accordingly, the legal analysis of this study considers the two levels of government that mainly hold legislative power: the national level, and in the case of decentralised legal systems – Germany, Austria, Switzerland, Italy – also the intermediate/regional level. However, it should be noted that participatory democracy and its instruments intend to intensify the relationships between levels of government, creating institutional pathways that may simultaneously involve different spheres of the concerned legal system, each engaged in its implementation through the tools made available by the respective institutional structure.

While the underlying parameter is ownership of the legislative function, the different levels of government could also include the supranational level, as the main inspiring principles of the European “constitutional” order include the participation of citizens. However, the European Union grants a different conceptual extension to the notion in question. Moving along a vertical axis, where the individual represents the zero and the remaining coordinates identify the different levels of government (local, regional, national, supranational), one can note that by moving away from the zero the margins of the conception of “participatory democracy” lose precision and sharpness. Whereas at the local, sub-national and national level of government participatory democracy is understood as method of citizens’ involvement in the decision-making processes according to logics of deliberative democracy, the margins of the concept blur when considering the supranational level of government, since its scope changes and opens up to practices and instruments that – sometimes – have little to do with the notion outlined thus far. The authors decided to refrain from analysing this additional supranational dimension also, because the Swiss Confederation is not a member of the European Union.

Moreover, the central and intermediate/regional levels – where existing and equipped with political autonomy (legislative powers) – are taken into consideration and their legislative sources of constitutional and ordinary nature analysed, with limited exceptions in cases where certain sources, albeit without legislative ranking, offer organic regulation of the matter at issue.

As to the legal relevance of the analysed matter, participatory democracy shows its importance on two grounds: when participatory democracy processes developed to complement the political processes of formation of legal sources (primarily constitutional), in order to enhance the democratic legitimacy of the rules; and when it becomes the content of legal sources providing specific rules for the aforementioned phenomena. In that regard, participatory democracy can be the object of legal regulations both of general and of sectorial nature. In this respect, the inclusion of participatory forms in environmental and urban laws deserves further consideration.

Having specific regard to the operational dimension of the research, the authors decided to use the official legal databases, which collect the regulatory sources of the different levels of government in the analysed countries. Within these databases, the authors selected relevant sources for this study on the basis of a keywords search. The keywords have been translated into the various languages thanks to the support of the domestic doctrine of reference. The keywords range from a general to a particular scope, progressing in concentric circles. At an initial stage, the search was conducted on the basis of general keywords – such as particip(ation), democra(cy), consult(ation), public, common assets, (active) citizenship – while, at a later stage, we moved on to a more detailed search using formulae/words corresponding to typical instruments of the legal system of reference, as emerged during the initial stage of the search.

What should be stressed with regard to the word search is that the reconstruction of the legal context on the basis thereof is not exhaustive. Firstly, the sought words do not completely exhaust the options that each legislator may have adopted in regulating the analysed phenomenon, inter alia, given the conceptual breadth and the indeterminacy that characterises the semantics of this peculiar study area. Secondly, the search for keywords conducted in the database was not always able to record all legal sources that contained the sought words. Finally, we note the lack of literature dealing systematically and specifically with the legal sources that regulate this phenomenon. This fact highlights the originality of the research on the one hand, but contributed to the research’s complexity on the other.

1.2 AUSTRIA



Introduction

Austria is a federal State, as provided for by the Federal Constitution (*Bundesverfassung*; B-VG). It consists of nine *Länder*: Lower Austria, Styria, Tyrol, Upper Austria, Carinthia, Salzburg, Burgenland, Vorarlberg, and Vienna. Each *Land* has a legislative body known as *Landtag*, which legislates within the limits established by the Constitution; each *Land* also has a number of representatives within one of the chambers of parliament, the *Bundesrat*. Nonetheless, Austria is considered as a rather centralised federal State, given that the powers (legislative, executive) of the individual *Länder* are relatively limited.

As regards the allocation of competences, the Constitution provides for a detailed list of the fields of competencies falling within the legislative authority of the Federation (Art. 10 Const.). In some cases, the competence to legislate on principles falls within the federal authority, while the *Länder* are responsible for passing the implementing laws (Art. 12 Const.). The matters not expressly reserved to federal legislation by Constitution belong to the autonomous sphere of activity of the *Länder* (Art. 15 Const.).

The constitutional autonomy of the *Länder*, within the limits defined pursuant to Art. 99 of the Constitution, allows for the introduction into the sub-national panorama of democratic institutions differing from those listed by the Constitution, including, potentially, even instruments of participatory democracy.

All the nine *Länder* of the Austrian Federation fall within the boundaries of the Alpine Space and will therefore be analysed in this study.

Constitutional Foundations

The structure of the Austrian Constitution reveals the absolute absence of explicit references to participatory democracy. Nevertheless, Art. 11, Para. 6 B-VG states that: “where it is deemed necessary to issue provisions of unitary nature, the federal law also regulates the procedure of participation of citizens in matters of federal competence, the subsequent participation in the administrative process and the consideration of the respective results when granting the authorisations necessary for the projects in question (...)”. The latter provision only relates to the area of administrative decisions and it is considered not to have a profound effect on the constitutional possibilities for instruments of participatory democracy; nonetheless, it remains a significant rule in the overall interpretation of the phenomenon, denoting a certain attention by the constitutional legislator to the participation of citizens. Beyond this specific reference, the Austrian democratic structure is mostly of representative nature. Nevertheless, there are constitutionally provided exceptions that represent the expression of direct democracy: these are, in particular, the *Volksbegehren* (Popular Legislative Initiative), the *Volksabstimmung* (Confirmative Referendum), and the *Volksbefragung* (Advisory Referendum).

References in the *Länder* Constitutions

As anticipated, all nine Austrian *Länder* fall within the boundaries of the Alpine Space, consequently the analysis extends to all sub-national Constitutions. All Constitutions contain provisions relating to direct democracy, within the limits provided for by the federal constitution. In particular, the institutions of the *Volksabstimmung* and the *Volksbefragung* are to be acknowledged. The Constitutions of Vorarlberg, Styria, Upper Austria, Salzburg and Tyrol also provide for the right of petition.

As regards participatory democracy in the herein provided connotation, only two Constitutions contain explicit references to *partizipative Demokratie* or refer to institutions identifiable with the concept of participatory democracy. This is the case of the *Vorarlberger Landesverfassung*, which, as a result of the latest constitutional reform of 2013, stipulated that: “Das Land bekennt sich zur direkten Demokratie in Form von Volksbegehren, Volksabstimmungen und Volksbefragungen und fördert auch andere Formen der partizipativen Demokratie” (Art. 1, Para. 4 L-VG). To understand the scope of that provision, we must perform a literal analysis of the constitutional provision. Following the list of referendum instruments permitted as an expression of direct democracy, the rule stipulates that the *Land* is also required to promote “other forms of participatory democracy”. The latter provision, being open to different interpretations, may be misleading at first. Indeed, the literal formulation does not clarify whether participatory and direct democracy are to be understood as synonyms in this context or not. The parliament of the *Land* offered a response to this query, mentioning the experiences of the *Bürgerräte* as concrete examples of what participatory democracy should represent. The authority also offered further practical examples falling within the conceptual boundaries of participatory democ-

racy, including methods of citizens' consultation on law proposals or the inclusion of specific bands of society in the development of public policies.

As to the second constitutional mention of participatory democracy, the Land Salzburg introduced in the latest revision of its Constitution in April 2016 a formula equivalent to that of Vorarlberg. Accordingly, Art. 5 Para. 5 L-VG reads: "*Das Land Salzburg bekennt sich auch zu Instrumenten der partizipativen Demokratie, die nicht von Abs. 1 erfasst sind, und fördert diese*". This formulation better clarifies how instruments of participatory democracy are to be distinguished from those listed in paragraph 1, instruments which, moreover, are all identifiable with institutions of direct democracy.

Beyond the recalled explicit references, various sub-national Constitutions expressly mention in participatory terms an institution, that of the *Begutachtungsverfahren*. The latter is generally describable as a procedure by means of which the legislative bills are subject to a consultation process prior to their final adoption. Sub-national parliaments can decide to submit bills of "particular significance" to popular consultation whenever this institution is involved. Conversely, the representative bodies are obliged to do so when the bills stem from popular initiative. However, the recalled participatory phase is generally only conceived as an opportunity to hear public instances, which must be sent to the concerned authorities in written form within six weeks from the procedure's beginning. Each Constitution stipulates that this institution is to be implemented by means of a source with legislative ranking.

Moreover, the *Oberösterreichische Landesverfassung* (Upper Austria), pursuant to Art. 58 Para. 3 and 4 L-VG, the Constitution of Burgenland, pursuant to Art. 68 Para. 4 L-VG, and the Constitution of the *Land Niederösterreich* (Lower Austria), pursuant to Art. 25 Para. 3 L-VG, all introduce a *Bürgerinnen- und Bürger-Begutachtungsverfahren*. A participatory approach to the *Begutachtungsverfahren* is also encountered in the Constitution of the *Land Steiermark*, particularly pursuant to Art. 68 Para. 4 L-VG. The latter *Landesverfassung* also denotes a particular attention to the methods of citizen's inclusion in the development of public decisions, particularly when compared to other sub-national Constitutions. Interesting in this regard are the provisions of the 6th *Abschnitt*, which define participatory instruments for citizens at municipal level. More specifically, Art. 78 Para. 5 L-VG requires *Gemeindeversammlungen* to be mandatorily held at least once a year. The latter are local citizens assemblies during which the development of municipal policies may be debated and discussed.

Participatory Provisions in Federal Legislation

The analysis of the existing legislation reveals that the institutions falling within the concept of participatory democracy, in accordance with the clearly representative imprint made on the Austrian democratic system, are rather rare in the panorama of the Austrian federal sources. However, measures and provisions of certain sectorial areas can sometimes be identified with the *Bürgerbeteiligung*, understood on the basis of the concept of participatory democracy as defined thus far. In particular, these federal regulatory provisions regulate the participation of the public (*Öffentlichkeitsbeteiligung*) in the development of general administrative acts, implementing the 2003/53/EC Directive, which requires public participation in the development of certain plans and programmes on environmental issues, also in compliance with the Aarhus Convention on participation of citizens in environmental decisions.

In this direction, the mandatory activation of participatory instruments in cases of decision-making procedures is defined in: the *Umweltverträglichkeitsprüfungsgesetz* (Art. 1 BGBl. No. 697/1993); the *Pflanzenschutzmittelgesetz* (Art. 14 BGBl. I No. 10/2011); the *Energie-Infrastrukturgesetz* (Art. 3 BGBl. I No. 4/2016); the *Abfallwirtschaftsgesetz* (Art. 40 BGBl. I No. 102/2002); and the *Immissionsschutzgesetz* (Art. 9c BGBl. I No. 115/1997).

A particular mention deserves a participatory experience initiated in Austria in 2003 with the purpose of proceeding to review the federal constitution. This is the so-called *Österreich-Konvent* that operated until the year 2005, regulated by the "*Bundesgesetz betreffend die finanzielle und administrative Unterstützung des Österreich-Konvents*" (BGBl. I No. 39/2003). The initiation of this process is attributed to the joint will of the main political players of the Country who, in 2003, grasped the opportunity to proceed with the establishment of an assembly, external to the perimeter of the representative bodies, with the task to trigger debate on a series of issues of fundamental constitutional significance. The assembly was then intended to provide a proposal to the representative chambers on the basis of which a completely revised Constitution was to be adopted. As to the composition of the Convention, its establishing document revealed that the constituents intended to guarantee the open and inclusive nature of the establishment procedure. Accordingly, many stakeholders that are part of the Austrian societal substratum (including representatives of the associations, unions and independent experts) participated in the composition of the Convention. Moreover, the document setting out the foundations of the procedure, developed by the members of the Konvent themselves, the deliberative scope of the entire establishment process can be understood, where Art. 3, Para. 1, establishes the impossibility to rely on the majority principle to reach decisions. The described process, concluded on 28 January 2005, despite offering a significant contribution to the constitutional debate, did not lead to the revision of the Constitution. Hence, in the end no decision was taken.

Finally, it is interesting to refer to the document drawn up and adopted in 2008 by the Federal Ministry for Life (*Lebensministerium*) and by the Federal Chancellery, entitled “*Standards der Öffentlichkeitsbeteiligung – Empfehlungen für die gute Praxis*” and aimed at public actors interested in the initiation of participatory processes. The latter document⁴ is indicative of the interest of the Austrian federation in demands for participatory democracy.

Sub-national Sources Concerning Participatory Democracy

Beyond the constitutional reference to the formula of “*partizipative Demokratie*” in the *Landesverfassung* of Vorarlberg, which was undoubtedly functional for the creation of a legal basis for the instrument of the *Bürgerrat* that lacked of mandatory capacity, the government of the Land has ordered its general regulation in a legal source of softlaw, the governmental guidelines (*Richtlinie*). Thus, the *Richtlinie der Vorarlberger Landesregierung zur Einberufung und Durchführung von Bürgerräten*, adopted in 2013, provide for a definition of what a *Bürgerrat* is and offer a sufficiently detailed description of the procedure to be followed in order to put it into practice.

The same reference to “*partizipative Demokratie*” made in the *Landesverfassung* of the *Land Salzburg*, is implemented in sub-national legislation, more specifically in Art. 82 of the LGBl. No. 26/1999 (as amended in 2016). The latter disposition governs the instrument of parliamentary inquiry (*Parlamentarische Enquete*), by granting the possibility of activating tools of participatory democracy in this context to the president of the council, although not clarifying what these tools are. Paragraph 6 is also specifically dedicated to the political participation of young people and the role of the youth parliament.

Once again in the implementation of the constitutional dictate, there are organic legislative acts in the legislation of Burgenland and Styria, respectively, in relation to the *Bürgerbegutachtung* (and *Bürgerinitiative*: LGBl. No. 46/1981 - *Gesamte Rechtsvorschrift für Bürgerinnen- und Bürgerinitiative sowie die Bürgerinnen- und Bürgerbegutachtung*) and to *Volksrechte* (popular rights, LGBl. No. 87/1986 - *Gesamte Rechtsvorschrift für Steiermärkisches Volksrechtegesetz*). The latter law, insofar as this study is concerned, is of relevance with regard to the detailed regulation of the methods according to which municipal meetings of citizens, provided for by the Constitution of the *Land Steiermark* itself are to be held.

In addition, as already highlighted with regard to the federal level, there are references to public participation (*Öffentlichkeitsbeteiligung*) in various legislative acts of all nine *Länder*. This concerns, in particular, the participation of citizens in developing plans on environmental and territorial matters – including energy plans, waste, protection of plants and nature, water and soil – as can be gathered from numerous provisions of sub-national law. By way of example: the *Wiener Abfallwirtschaftsgesetz* (LGBl. No. 53/1996); the *Wiener Pflanzenschutzmittelgesetz* (LGBl. No. 18/1990); the law on territorial planning of Vorarlberg (LGBl. No. 39/1996); the *Gesetz über Betreiberpflichten zum Schutz der Umwelt* of the Vorarlberg *Land* (LGBl. No. 20/2001); the *Tiroler Umweltprüfungsgesetz* (LGBl. No. 34/2005); the *Steiermärkisches Pflanzenschutzmittelgesetz* 2012 (LGBl. No. 87/2012); the *Salzburger Abfallwirtschaftsgesetz* (LGBl. No. 35/1999); the *Salzburger Einforstungsrechtegesetz* (LGBl. No. 74/1986); the *Salzburger Flurverfassungs-Landesgesetz* (LGBl. No. 1/1973); the *Salzburger Raumordnungsgesetz* (LGBl. No. 30/2009); the *Oberösterreichischer Einforstungsrechtegesetz* (LGBl. No. 51/2007); the *Oö. Flurverfassungs-Landesgesetz* (LGBl. No. 73/1979); the *Oö. Umweltschutzgesetz* (LGBl. No. 84/1996); the *Niederösterreich Flurverfassungs-Landesgesetz* (LGBl. 6650-0); the *NÖ Elektrizitätswesengesetz* (LGBl. 7800-0); the *NÖ Straßengesetz* (LGBl. 8500-0); the *NÖ Wald- und Weideservituten-Landesgesetz* (LGBl. 6610-0); the *Kärntner Wald- und Weidenutzungsrechte - Landesgesetz* (LGBl. No 15/2003); *Kärntner Umweltplanungsgesetz* (LGBl. No. 52/2004); the *Kärntner Flurverfassungs-Landesgesetz* (LGBl. No. 64/1979); *Burgenländisches Pflanzenschutzmittelgesetz* (LGBl. No. 46/2012); and the *Bgld. Abfallwirtschaftsgesetz* (LGBl. No. 10/1994). It must be emphasised that the recalled provisions merely provide for the participation of the public in the development of these plans, without going into the details of what methods should be used for their implementation.

4 See: <https://www.bka.gv.at/DocView.axd?CobId=33730>

1.3 FRANCE



Introduction: Territorial Organization

France is a unitary State that realises a form of administrative decentralisation through the articulation of the territory into local communities. In accordance with Art. 72 of the Constitution, these are: “The Municipalities, Departments, Regions, Communities with special status and overseas communities”. In the French legal system, Regions are equivalent to Municipalities and Departments and enjoy constitutional coverage only from the constitutional reform of 2003 on. Prior to the latter reform, their existence was based upon an ordinary law of 1982. With the adoption of law no. 2015-29, dated 16 January 2015, – concerning, inter alia, the (re-)delimitation of the boundaries of the Regions – continental France is now split into 12 regional entities (plus Corsica). This report only includes the three Regions located within the Alpine Space: *Provence-Alpes-Côte d’Azur*, *Auvergne-Rhône-Alpes*, *Bourgogne-Franche-Comté*.

Beyond the general framework established by the constitutional provisions (Arts. 72 et seq), the organisation and functioning of the regional institutions is based on ordinary law, in particular on the *Code général des collectivités territoriales* (CGCT) of 1996 (fourth part), while the distribution of competences is found in specific sector codes (i.e. *Code de l’Urbanisme*, *Code de l’éducation*).

Although regional assemblies are elected by universal direct suffrage, the French Regions can hardly be considered an autonomous political entity, as they are not attributed legislative, but only administrative, authority. As this section of the report aims at the reconstruction of the legislative framework with regard to participatory democracy, accordingly, only state provisions, whether of constitutional or ordinary nature, adopted in that regard will be considered.

Constitutional Foundations

The French Constitution does not contain any express reference to participatory democracy, as occurs for representative and direct democracy. Indeed, Art. 3 of the Constitution stipulates that “national sovereignty belongs to the people who practise it through their representatives and by referendum”. Nevertheless, the matter of participatory democracy enjoys explicit constitutional coverage with regard to specific sectors of public action, including the environment, expropriation for public utility, urban planning and local communities.

As to the first of the recalled policy areas, the provision set out in Art. 7 of the Charter of Environment is important – following the 2004 constitutional amendment deserves specific mention. The latter provision is considered an integral part of the French Constitution of 1958 that reads: “Every individual has the right, in compliance with the conditions and in the limits defined by law, to access information relating to the environment in possession of the public authorities and to participate in developing public decisions that have an impact on the environment”. Moreover, the adoption of the Charter itself by the National Assembly was preceded by a public consultation procedure.

Law no. 2012-1460 dated 27 December 2012 was adopted to implement the principle of public participation defined in Art. 7 of the Environmental Charter. This law – as explicated in the paragraph below – amended, amongst other things, the environmental and the rural code.

Provisions on Participatory Democracy in State Legislation

In France there are no regulatory acts of general scope (or destined *sic et simpliciter* to regulate the matter *de qua*) that specifically refer to participatory democracy. Conversely, there are several sectorial provisions, which, by regulating specific areas of public action, also provide for instruments and procedures of citizen involvement in the decision-making process. This applies in particular to the administrative action.

The regulatory provisions that encourage the participation of citizens in environmental matters are of particular importance. Emblematic in this regard is Law no. 95-101 dated 2 February 1995. The law, known as *loi Barnier*, is a sectorial law for the strengthening of environmental protection, but Art. 2 establishes the National Commission for Public Debate (*Commission nationale du débat public* – CNDP). The latter represents an independent administrative authority, as stipulated in 2002 by the *loi n. 2002-276 du 27 février 2002 relative à la démocratie de proximité*, whose mission is to inform citizens and to guarantee that their opinions are taken into consideration in the decision-making process. It consists of twenty-five members, representatives of public, economic and socio-cultural heterogeneous interests. Its origin is attributable to the protests occurring in the early nineties against the planning of a high-speed railway line

between Lyon and Marseille. On that occasion, in fact, the French government decided to avoid the onset of conflicts and instead to use deliberative arenas as decision-making instrument with the aim to involve all interested parties in the planning and creation of large infrastructures.

The CNDP is responsible for ensuring that the planning process of infrastructural projects, of national impact, initiates only after an open and transparent public debate between all interested parties has taken place. Consequently, the ultimate aim of the public debate is the collection and “deliberative” development of all positions that emerge in relation to the design of a public work, in order to ensure a higher degree of consent in its subsequent enforcement phase. Concretely, the law provides that the CNDP intervenes and activates the public debate as part of all those infrastructural projects that exceed a certain economic threshold, annually determined in a regulation by the State Council. The commission has the duty to manage the entire procedure, which may not last more than four months. The public debate is open to all citizens and must take place around the area in which the construction of the infrastructure in question is planned. In addition, the commission is mandated to invite all those who hold concrete and material interests in realization of the public work. In conclusion of the debating process, the chairman of the CNDP is required to report on all positions emerging during the debate as well as to give a final evaluation of the experience, in a conclusive report to be mandatorily published. In the three months following the document’s preparation, the project’s contractor must explicate how he intends to proceed with respect to the initial idea, motivating his decision on the basis of the results of the public debate. As regards the effects of debating procedure, in most cases the designs initially suggested by the contractor were then altered from their initial conception, and, in rarer cases, were even withdrawn.

Special mention deserves the environmental code, which, in its initial part, dedicates an entire title (title II of book I, of the legislative part) to the information and the participation of citizens in view of the adoption of public decisions with specific impact on the environment. The provisions of the recalled code not only define the purposes to be pursued, the rights of citizens and the limits to be respected, but also contain the regulation of different participatory instruments. These instruments included amongst other the public debate (*débat public*) on the development of plans, programmes and projects having an environmental impact (Art. L121-1-A et seq.), the public consultation planned in the context of environmental impact assessments of works and constructions (Art. L122-1 – L122-3-4), and, more generally, different forms of public participation – such as the public inquiry (*enquête publique*) and forms of digital participation – in decisions with an environmental impact (Art. L123-1-A et seq.).

In this context, it is also interesting to mention the charter for public participation (*Charte de la participation du public*). Although it is not an act of legal nature, the charter identifies the values and principles at the basis of a virtuous participation process, with respect to which it constitutes a tool of stimulation for the activation of participatory practices. Put simply, it is a guide for good practices in relation to public participation. The final text of the charter is itself the result of a public consultation process that took place in May 2016.

Further provisions on participatory democracy can be found in Art. L914-3 of the *Code rural et de la pêche maritime*, which stipulates that “public decisions with environmental impact adopted in the context of national legislation or EU regulations relating to maritime fishing and marine aquaculture are subject to public participation under the conditions and limits set out in Art. L. 120-1 – L. 120-2 of the *code de l’environnement*”. In the same direction, the urban planning code (*Code de l’urbanisme*) at Art. L. 103-2, lists the acts that “are subject to consultation involving, for the whole duration of development of the project, inhabitants, local associations and other stakeholders”.

Art. L300-2 of the urban planning code also extends the possibility of consultation – referred to in Art. 103-2 – to those “projects of works and restructuring works, subject to permits to build or restructure – that are found in areas covered by a territorial coherence scheme, by a local urban plan, by replacement urban planning document or by a communal map”.

In conclusion of this illustrative review, it is worth recalling some provisions of the general code of territorial communities (*Code général des collectivités territoriales*). Within the recalled collection, most forms of involvement of inhabitants are attributable to the binary logic (yes/no) typical of forms of direct democracy (i.e. the local referendum or the consultation of voters). However, in the context of this report, some articles – listed below – can be found in the second part of the code among the provisions relating to the organisation of the Municipalities in title IV entitled “information and participation of inhabitants”.

Art. L2141-1 stipulates “the right of inhabitants of the Municipality to be informed of the affairs relating to it and to be consulted on the decisions that relate to it, inseparable from the free administration of territorial communities, is an essential principle of local democracy. It should be exercised without prejudice to the provisions in force relating, in particular, to the publicity of acts of the territorial authorities and the freedom of access to administrative documents”.

Although there are no general provisions ensuring the participation of the population in the legislative process, there are some specific initiatives in that sense. By way of example, it is worth mentioning the online public consultation held between September and October 2015 on the draft bill for a République numérique, which was followed by the adoption of law no. 2016-1321 dated 7 October 2016.

1.4 GERMANY



Introduction: Territorial Organisation

Germany is a federal State formed by sixteen constituent units known as *Länder*. The combined provisions of Arts. 20, 28 and 30 of the Fundamental Law (F.L.) – reveal that “the *Länder* are members of the Federal State with their own – albeit concretely limited – sovereign power (*Hoheitsmacht*), which does not derive from the Federation but is recognised by it. In their area, the configuration of the constitutional order of the territory belongs to them” and – as long as they remain within the boundaries of Art. 28 Paragraph 1 F.L. (better known as homogeneity clause) – “the Federation may not interfere without breaching to the federal principle guaranteed by the Fundamental Law” (BVerfGE 1, 14 (34) – *Südweststaat*. Each Land has its own constitution and holds competences of executive, judicial (each Land has its own judicial system, including, amongst other things, a constitutional court), and of legislative nature. More specifically, Arts.+ 70 et seq. of the F.L. establishes the principle of the vertical distribution of legislative powers upon a dual criterion: the principle of enumeration – for matters falling within the exclusive federal jurisdiction as well as the concurrent Land/Federation jurisdiction – and the residual clause, which operates in favour of the *Länder*. Nevertheless, the German legal system is characterised by a significant centralisation of legislative power, which is offset in recognising to the *Länder* extensive participatory rights (*Mitwirkungsrechte*) in the federal legislative process through the institution of the *Bundesrat*. At the same time, there is a strong decentralisation of administrative competences, a phenomenon termed as administrative federalism.

Constitutional Foundations in the Fundamental Law

The German Fundamental Law does not contain an express reference to participatory democracy (*Bürgerbeteiligung* or *Beteiligung der Öffentlichkeit*). Moreover, the democratic principle enunciated at paragraph 1 of Art. 20 F.L. does not offer a solid foundation for the legitimation of this form of democracy, given its anchoring to the German people, a reference that is not suitable with the inclusive dimension that characterises participatory democracy.

Given the lack of an explicit legal basis, the doctrine finds a constitutional anchor by way of interpretation of other constitutional principles, including the two fundamental rights of freedom of expression and freedom of the press, pursuant to Art. 5 F.L., as well as the freedom of assembly pursuant to Art. 8 F.L. The idea is that these constitute the legal basis that legitimises different forms of political participation, irrespective of whether they are elections, protests or forms of citizen participation. For instance, the provision at paragraph 1 of Art. 5 F.L. stipulates that “everyone has the right to freely express and spread their opinions with words, writings and images, and to seek information without hindrance from sources accessible to all”. As to the addressees of the provision, not only citizens, but also all individuals, can exercise this fundamental freedom within the German Republic. Furthermore, participatory democracy could find its constitutional legitimation in the freedom of assembly: pursuant to 1 of Art. 8 in fact “All Germans have the right to meet, freely and without arms, without notice or authorisation”.

Despite the indeterminacy of the constitutional framework, the principles and forms of participatory democracy have found expression and are propagated in ordinary legislation. However, this was not translated into guarantees of participation in the legislative process, but rather into the administrative process and thus influenced the relationships between the public and the administration, from which the relevance of the matter at the sub-state level descends – and in particular at municipal level – given the nature of administrative federalism of the German federal system. In this context, forms of participation of experts or persons directly involved in the decision stand alongside forms of participation of inclusive nature that involve a fully-fledged consultation of the community to which the decision refers. The latter include numerous diversified instruments – including, to name a few: *Bürgerversammlung*, *Bürgerbefragung*, *Anhörung*, *Bürgerforum*, *Planungszelle/Bürgergutachten*, *Zukunftswerkstätte* – which may assume formal nature, expressly regulated in regulatory acts, or informal nature having found affirmation by way of practice.

This aspect moreover leads some to believe that participatory democracy can find legitimacy also in the principle of the rule of law referred to in the third paragraph of Art. 20 F.L.: with the latter upheld by the idea of justice, it goes on to legitimise the participation of stakeholders in the administrative process to invoke their rights and positions. The line of reasoning offered by the federal Constitutional Court validates the participation of the population in the adoption of administrative acts of general nature. Accordingly, the fundamental rights (including the right to health) represent the guarantee of a certain level of protection for citizens. Moreover, each individual to enjoying this right needs to be ensured a procedural guarantee to express his/her position with respect to the acts likely to have repercussions on these rights (see BVerfGE 53, 30, (50 et seq) - *Mülheim-Kärlich*).

Constitutional Foundations in the Constitutions of the Länder

There is no express reference to participatory democracy even in the Constitution of the Land Bavaria – *Verfassung des Freistaates Bayern* – in its version dated 15 December 1998 (GVBl. S. 991, 992, BayRS 100-1-I) or in the version recently modified with a law dated 11 November 2013 (GVBl. S. 638, 639, 640, 641, 642). Nonetheless, the democratic forms at issue may be justified by way of the same arguments explicated with regard to the federal constitutional framework, given the existing substantial analogy. Indeed, the Bavarian constitution brings the democratic principle closer to the people as holders of sovereignty. One difference, if anything, can be found in the express mention of direct democracy tools as “ordinary” form for the exercise of rights (see Art. 7), while no express reference can be found with regard to forms of participatory democracy. Its legitimacy can therefore only be founded on the recognition of the freedom of expression: at title II, entitled fundamental rights and duties, Art. 110 provides – in analogy with what is stipulated in the Fundamental Law – that “every inhabitant of Bavaria has the right to express their opinion (omitted)”.

A similar conclusion is reached, via different “means”, when approaching the Constitution of the Land Baden-Württemberg – *Verfassung des Landes Baden-Württemberg* dated 11 November 1953 (GBl. S. 173), in the version most recently amended with Law dated 1 December 2015 (GBl. S. 1030, 1032). Once again, the constitutional document does not refer *expressis verbis* to participatory democracy and therefore constitutional anchorage for these institutions can be found only through the interpretation of other provisions. In this case the pretext is constituted by the provision set out in Art. 1 in which the central role of the human being (*der Mensch*) is expressed, asked – moreover, irrespective of any classification as a citizen or otherwise – to use its capacities (*seine Gaben*), “in full freedom and in respect of Christian moral principles, for one’s own good and for others”. From that wording of principle, one might infer the legitimacy of forms of participatory democracy as they are attributable to the value framework expressed by Art. 1: the recognition of the contribution of each individual with respect to the pursuit of the exponential interests of the relevant community in fact comes to fruition in a sort of moral obligation for the individual to participate actively, contributing to the common good.

On the other hand, specific reference to participation can be found with reference to young people. Art. 21 of the constitution of the Land states that “within schools, young people must be taught to become free and responsible citizens and to participate in the organisation of school life”.

Provisions on Participatory Democracy in the Federal Legislation

In Germany, starting from the 1970s, there has been a proliferation of forms of participatory democracy providing for the involvement of the civil society in public decisions. The adopted tools are very different, regardless generally two considerations can be made. Firstly, the involvement was not identified as much in legislative proceedings but rather in administrative proceedings, highlighting for this study’s purposes, those forms of public participation in the formation of administrative acts with general scope of application, i.e. intended to have a potential impact on the entire relevant community, both federal or local depending on the level of government that holds the respective administrative responsibility. Moreover, if this option is linked to the administrative federalism, one can infer the reasons underlying the increased proliferation of participatory processes at local or intermediate level, irrespective of the legislative source that legitimates their activation or involvement.

Secondly, in the German legal system, there are forms of participation classified either as “formal”, as they are specified in regulatory provision, or as “informal”, which have been developed in practice that is in the absence of a legislative provision (such as, for example, *Bürgerworkshop*, *Stellungnahmenverfahren*, *Open-Space-Konferenzen*, *Planungszellen*, *Planungs- und Zukunftswerkstätten*, *Bürgerpanel*, *Bürgerhaushalt*, *processes of Agenda 21*). This part of the report – intended to reconstruct the legislative framework at issue – exclusively dealing with those forms attributable to the first group, with respect to which the legislative source deals with regulating the an and/or the *quomodo*.

The research conducted in the field of federal law confirms what has just been illustrated. Beyond the provision regarding the participation of parties concerned in the administrative proceedings (pursuant to Art. 28 of the federal law on the administrative process – *Verwaltungsverfahrensgesetz* –, subsequently introduced by all *Länder* in the respective legislation), few regulatory provisions do not limit the involvement only to individuals directly interested by the adopted act, but extend it to all individuals belonging to the concerned community. Indeed, the acts in question, despite being of administrative nature, are characterized by a general scope of application. The following law should be read in the same direction: *Gesetz zur Verbesserung der Öffentlichkeitsbeteiligung und Vereinheitlichung von Planfeststellungsverfahren (PIVereinHG)* dated 31 May 2013, in *Bundesgesetzblatt Jahrgang 2013*, no. 26, p. 1388 et seq. Of relevance in this respect are the provisions that modify the federal law on the administrative process (*Verwaltungsverfahrensgesetz*) and, in particular, Art. 25 – included in part II, section I, entitled “fundamental procedural principles” (*Verfahrensgrundsätze*). The provision regulates timely information on the project, the implementation instruments and the effects connected to the planning activity of large projects being likely to have effects on a large number of third

parties. Furthermore, it also states that public participation in these projects should occur even before the presentation of the proposal. This is to give interested parties the opportunity to express their opinion and to discuss the project at a time when it is still possible to substantially influence its content. The results of the participation procedure should be disseminated and the relevant authorities should be informed in relation to the adoption of the respective decision. Again, Art. 74 of the *Verwaltungsverfahrensgesetz* foresees a form of public hearing (*Anhörungsverfahren* – presented in written form or electronically) in the context of the approval of planning acts, although the legitimation to participate is here limited to affected by the decision or, in any case, to those who have raised objections.

While the provisions cited above concern participation in administrative proceedings in general, the same solutions are found also in laws that regulate the adoption of general administrative acts in specific policy fields. These include, for example, urban planning (*Bauleitplanung*) with respect to which the federal law (*Baugesetzbuch - BauGB*) provides at Art. 3 both for the prompt information on the objectives and purposes of urban plans, and for the possibility to express an opinion and discuss on its content. The adopted solution is based on the fact that prompt participation can improve both the quality and the social acceptance of the project through better representation of the interests at play. This occurs by welcoming a particularly broad conception of the word “public” (*Öffentlichkeit*): the cited rule in fact expressly includes in that concept children and young people (*Kinder und Jugendliche*). Within such a regulatory framework, it is then up to the Municipality to decide how to proceed. In that regard, the federal legislator only stipulates the possibility that participation may take place also with the support of computer technologies (*Art. 4a BauGB*). Again, Art. 4a – *Gemeinsame Vorschriften zur Beteiligung* – at paragraph 1 describes the purpose pursued with public involvement, highlighting its instrumental nature both to public information and to a comprehensive knowledge and assessment of the interests affected with the planning. To that end, paragraph 3 provides that guarantees of participation must occur also in the case of modification or replacement of the act with another.

The following paragraphs of the law deal with specific planning acts (such as *Flächennutzungsplan, Bebauungsplan*) and mandate that the authority in charge of adopting the final act gives evidence of the results of the participatory procedure and motivates the final decision, in case the latter diverges from the options emerged during participatory phase.

Of particular interest, finally, is public participation in the environmental field, provided by the German legal system for the authorisation procedures, as well as for the adoption of certain plans and programmes on environmental matters. In that sense, for example, the *Umwelt-Rechtsbehelfsgesetz* in the version dated 8 April 2013 (BGBl. I S. 753), most recently amended pursuant to Art. 3 of Law dated 30 November 2016 (BGBl. I S. 2749), in implementing European Directive 2003/35/EG dated 26 May 2003. The rights of participation are, as appropriate, recognised to the general public or to specific individuals affected by the decision, as well as to legal entities or associations.

For the purposes of the report, it is worth referring by way of example to the adoption of those general administrative acts that allow for the active involvement of the public. These include for example, Art. 9 of the federal law on control of environmental sustainability – *Gesetz über die Umweltverträglichkeitsprüfung* – which moreover refers to the procedural forms set out in Art. 73 of the *Verwaltungsverfahrensgesetz*, stressing, inter alia, the need to re-comply with that condition in the case of amendment of the project during the process, except for the case it further affects the environment.

Furthermore, Art. 32 and Art. 33 of the federal law on the circular economy (*Kreislaufwirtschaftsgesetz*) provide that for the purposes of adoption and modification of waste plans (*Abfallwirtschaftspläne, Abfallvermeidungsprogramme*) – with particular reference to disposal of hazardous waste, depleted batteries, accumulators or packaging - public participation is guaranteed via the competent authority.

On the other hand, Art. 47d of the federal law on control of pollution (*Bundes-Immissionsschutzgesetz - BImSchG*) requires that the population is heard on proposals relating to action plans on noise pollution (*Lärmaktionspläne*), safeguarding their possibility to participate promptly and effectively in the examination and development of the plan.

Again on environmental matters, the “law for the research and choice of a site for depositing heat-generating radioactive waste” – *Gesetz zur Suche und Auswahl eines Standortes für ein Endlager für Wärme entwickelnde radioaktive Abfälle (Standortauswahlgesetz - StandAG)* dated 23 July 2013 (BGBl. I S. 2553), most recently modified pursuant to Art. 4 of Law dated 27 January 2017 (BGBl. I S. 114) – provides at Art. 8 for the establishment of a national committee (*Nationales Begleitgremium zur gemeinwohlorientierten Begleitung*) representing a synthesis of pluralistic interests. In particular, the members of the committee may not be members of a legislative or executive body of the Federation or of a *Land*, and they may not hold economic interests in the broader sense with respect to the subject of the decision. The committee consists of nine members, of which six are recognised public figures, two citizens’ and one representative of the younger generations. The latter three members are chosen by an adequate selection method of public participation. In addition, Art. 9 illustrates the fundamental principles that must inform the public participation, establishing, inter alia, the need to guarantee prompt, complete and systematic information on the stage of progress, as well as on the objectives of the project and on the chosen instruments. This occurs via internet and other media, as well as through forms of direct involvement of citizens such as *Bürgerversammlungen* and *Bürgerdialoge* (citizens’ assemblies and citizens’ dialogues).

Provisions on Participatory Democracy in the Länder Legislation

Although participatory practices are more widespread at the municipal level, there are various regulatory provisions on public participation in the legislation of the *Länder*. This is essentially by virtue of the rooting at the *Länder* level of the power in relation to local entities.

In confirmation of this, the regulation of the municipal legal system of Baden-Württemberg - *Gemeindeordnung für Baden-Württemberg (Gemeindeordnung - GemO)* in the version dated 24 July 2000, at Art. 20, foresees the inhabitants' assembly (*Einwohnerversammlung*) as a participation tool for the inhabitants of the Municipality in which to discuss important decisions that local authority has to adopt. The assembly renders it possible to have direct communication between the local administration and the population, since it represents the place where inhabitants are informed and in which necessary decisions are discussed through dialogue and exchanges of opinion. It is necessary that the local council duly convene the citizens' assembly at least once a year, and that the residents request its convocation, in order to ensure that the provision is applied in essence.

A similar regulatory framework is found in the rules of the legal system of the Municipalities of the *Land* Bavaria - *Gemeindeordnung für den Freistaat Bayern (Gemeindeordnung - GO)*, in the version dated 22 August 1998 (GVBl. S. 796). Art. 18 thereof provides for the right of joint consultation (*Mitberatungsrecht*) and for the establishment in each Municipality of citizens' assemblies (*Bürgerversammlung*). In the latter, each German citizen (*Gemeindebürger*), pursuant Art. 116 of the German Constitution, who reached the adult age and has resided for at least three months in the territory of the Municipality is granted the right to participate and the right to speak. It follows that citizenship is a fundamental requirement for the active and passive electorate. The recalled provision further mandates the Municipality's council to discuss the assembly's recommendations within three months. Furthermore, larger populated Municipalities (+ 10,000 inhabitants) have the possibility (pursuant to Art. 60 GO) to subdivide the territory into districts (*Stadtbezirke*) and to establish district committees (*Bezirkausschüsse*). Overall considered the issues discussed by the assembly of citizens relate to planning and development activities of the territory, school, transport, sport and the elderly.

In addition, the legislation of the *Länder* provides for the involvement of the population not so much in the legislative process but rather in the administrative process. In that regard, the general law on administrative proceedings of the *Land* Baden-Württemberg - *LVwVfG, Verwaltungsverfahrensgesetz für Baden-Württemberg* - provides at Art. 25 for public participation as a fundamental procedural principle, substantially reproducing the same requirements of the existing federal law (not by chance, positioning the provisions also at the same sequential number). Due to its relevance and scope, it is worth mentioning the following administrative regulation: *Verwaltungsvorschrift der Landesregierung zur Intensivierung der Öffentlichkeitsbeteiligung in Planungs- und Zulassungsverfahren (VwV Öffentlichkeitsbeteiligung)* of 17 December 2013 (GABl. No. 2, 2014, S. 22). Although it is a regulatory act of a level subordinate to law -, it aims to intensify the participation in planning, authorisation and implementation processes of projects that the act itself defines as *beteiligungrelevant* - i.e. all those projects which require a planning or authorisation procedure pursuant to Art. 10 of the *Bundes-Immissionsschutzgesetz* order to obtain the approval.

Likewise, the law on the administrative process of the *Land* Bavaria - *Bayerisches Verwaltungsverfahrensgesetz (BayVwVfG)*, dated 23 December 1976 as amended - includes at Art. 25 public participation among the general procedural principles. Also in this sense, the provision reproduces in essence of the federal law, requiring inter alia the authority to take due steps to ensure the involvement of citizens before starting the approval or planning a process.

Furthermore, the territorial planning law of the *Land* Bavaria - *Bayerisches Landesplanungsgesetz (BayLplG)* dated 25 June 2012 - requires, inter alia, the mandatory participation of the public in the process of territorial planning, even if no significant effects for the environment derive from the same (Arts. 16 et seq).

In both *Länder* a regulatory framework that leaves broad freedom for the informal development of tools intended to enhance public participation exists. At the same time, this legal framework is limited to the provision of the participation of the civil society in administrative processes as ordinary *modus operandi*.

Emblematically, for years the Administrative Authority for Construction of the Bavarian Ministry for Home Affairs, Building and Transportation has been adopting the decisions concerning its competence precisely on the basis of this principle, through the promotion of *Bürgerdialoge* or *Bürgerbefragungen* at the level of the *Land*, as occurred i.e. for the 2020 road safety programme "*Bayern mobil - sicher ans Ziel*".

1.5 ITALY



Introduction

Italy is a regional State, divided into twenty Regions, fifteen of which have an Ordinary Statute (ROS) and five of which have a Special Statute (RSS). In light of the recalled institutional asymmetry, the RSSs enjoy special conditions of legislative, administrative and financial autonomy regulated by the respective Special Statutes, which have the status of constitutional law. Each Special Statute regulates the special autonomy conditions of each of the five Regions, outlining a different status for each of them (known as speciality in speciality). On the other hand, the fifteen ROSs are uniformly subjected to the division of competences provided for by Art. 117 of the Constitution. Indeed, although each of the regional authorities may adopt its own Statute by means of an ordinary law governing the internal organisation, the recalled constitutional provision indicates the purposes that the acting authority needs to pursue and dictates the fundamental principles with which the authority must comply in the exercise of its activity. The adoption of rules concerning methods of institution and the initiation of participatory processes fall within the area of competences of all territorial entities.

As regards this report, the seven regional entities belonging to the Alpine Space will be analysed. Four of these are ROSs: Lombardy, Liguria, Veneto and Piedmont; the remaining three are RSSs: Valle d'Aosta, Friuli Venezia Giulia and Trentino Alto Adige. Additionally, the latter Region has a particular legal structure, regulated in the Statute of Regional Autonomy. It consists, in fact, of two Autonomous Provinces (the only ones in Italy) both holding legislative, administrative and financial competences and powers.

Constitutional Foundations

The Italian Constitution does not contain any explicit reference to participatory democracy, and bases its democratic nature in Art. 1 (particularly in paragraph 2) which regulates the principle of popular sovereignty. The democratic principle is concretely implemented through instruments of representative and direct democracy, explicitly provided for by the constitutional text. Nonetheless, a constitutional connection to participatory democracy can be identified in Art. 3 Paragraph 2 of the Constitution, which provides for "... (the) effective participation of all workers in the political, economic and social organisation of the Country". In addition, Art. 118 Paragraph 4 of the Constitution stipulates that "State, Regions, metropolitan Cities, Provinces and Municipalities encourage the autonomous initiative of citizens, individuals and associates, for the conduct of general interest activities, based upon the principle of subsidiarity". This is the principle of horizontal subsidiarity that paves the way for forms of collaboration between citizens and administrations as part of the management of material and concrete activities, rather than the development of general legislative acts.

References to Provisions of Regional Statutes

As to the four Regions with Ordinary Statute included in the Alpine Space – Piedmont, Liguria, Lombardy and Veneto – it should be noted that the four regional Statutes have all been reformed in recent times, respectively in 2005, 2007, 2008 and 2012.

The Statute of the Piedmont Region denotes strong attention to the participation of citizens. As early as in the preamble, it acknowledges that "local entities, functional autonomies, social, cultural, political and economic formations achieve the participation of citizens in the legislative and administrative functions in accordance with the principle of subsidiarity". In principle, it establishes in particular at Art. 2 Paragraph 2 that "the Region acknowledges that the participation of citizens in political decisions, the legislative and administrative function and the control of public powers is an essential condition for the development of democratic life and for safeguarding the right to equality and freedom of all citizens". It also includes an entire title, the sixth, specifically dedicated to institutions of participation. In addition to traditional institutions of direct democracy, it also provides for an institution more relevant to the definition of participatory democracy developed here, the popular consultation (Art. 86).

The Statute of the Liguria Region, in the list of principles that inspire the regional action, replicates the principle of horizontal subsidiarity provided for by the Constitution pursuant to Art. 118 Paragraph 4 (Art. 2, paragraph 2 point c): "it recognises and supports the autonomous initiative of citizens and social formations for the conduct of general interest activities and applies the principle of subsidiarity as an institutional method of legislative and administrative action and in the relationship with local entities, communities and functional autonomies". In addition, it contains an

ad hoc chapter dedicated to popular participation. This chapter, however, regulates the traditional institutions of direct democracy. Only in principle it establishes, at Art. 6, that the Region recognises and promotes the participation of citizens, residents and organised social entities (para.1).

The regional Statute recognises the participation as one of the qualifying elements of the Lombardy Region (Art. 2 para. 3). It also dedicates, again in the part on the general principles, an entire article to participation (Art. 8). This provision does not simply set out the participatory principles by which the Region inspires its action, but goes into further detail, stipulating, in paragraphs 2 and 3, that “the regional Council and Committee, within their respective remit, consult representatives of interests on regulatory texts and on planning documents, with particular regard to measures that involve economic effects” and, on the other, that “the Region promotes participatory processes, encouraging autonomous initiatives, those of organised social entities and those of skills spread across the regional community”. A further specification is contained in Art. 36 dedicated to “participation in relation to the legislative process”. Moreover, Title V is entirely dedicated to participation and to subsidiarity.

The Statute of the Veneto Region also includes among the fundamental principles (Art. 5) that of citizens’ participation. The Statute also dedicates the entire ninth Article to this principle. Paragraph 1 reads: “The Region promotes participation in processes of determining its legislative and administrative decisions by citizens, social formations, users and associations that pursue the protection of general interests”. Art. 22 also regulates the participation of economic and labour organisations in regional regulatory activities.

As to the three Regions with Special Statute – Friuli Venezia Giulia, Valle D’Aosta and Trentino Alto Adige – the Statutes do not contain explicit references to the principles of participation and citizens’ involvement in the development of legislative acts, except for sporadic references to direct democracy, particularly with regard to the instrument of the referendum.

Provisions on Participatory Democracy in State Legislation

Art. 8 of the Consolidated Law on Local Authorities (Italian Legislative Decree 276/2000) represents a legislative translation of Art. 3, para. 2 of the Constitution. The provision at issue stipulates that the Municipalities must promote organisations of participation in the local administration, by way of the introduction in their Statutes of “forms of consultation of the population as well as procedures for the admission of requests, petitions and proposals of individual or associated citizens aimed at promoting interventions for the best protection of collective interests”.

A further legislative act falling under the concept of participatory democracy is identified in the legislative implementation of the Regulation Impact Analysis (RIA) occurred with Law 50/1999, later revised and amended with Law 229/2003 and Law 246/2005. As far as this study is concerned, Art. 5, paragraph 1 of the Decree of the President of the Council of Ministers 170/2008, implementing the laws establishing the RIA, is of particular interest where it states that moments “of consultation, even electronically, of the main categories of public and private entities, being direct and indirect recipients of the regulation proposal” in the preliminary phase of the normative processes carried out by the executive need to take place. Paragraph 2 of that article then adds that the procedural investigation is “aimed at the widest participation of public entities and private entities involved in the regulatory initiative”.

Moreover, Art. 22 of the Procurement Code (Italian Legislative Decree 50/2016) introduces a provision aimed at introducing the participatory instrument of public debate into the Italian legal system. Finally, reference needs to be made to Legislative Decree 152/2006 setting out “Environmental Standards”, which also transposes Directive 2003/53/EC, establishing the principle of public participation (Art. 4) in the environmental impact assessment (EIA).

Sub-national Legislation Concerning Participatory Democracy

Although there are no specific mentions or references to participatory democracy or, more generally, to the participation of citizens in the Statutes of the Special Regions – presumably due to the moment in time when these were adopted – in all three of the here concerned regional territories processes of participatory nature have been activated in view of reviewing the respective Statute. The respective rules are contained in *ad hoc* regional/provincial laws, institutive of these. These include the experience of the Friuli Venezia Giulia Region, which first adopted the “Convention for the Drafting of the new Statute” (regional law 2 April 2004, no. 12). The convention was envisaged as an assembly body consisting of not strictly political but rather territorial, social, economic and cultural motions. The main aim of that body consisted of examining, discussing and investigating the contents of the new regional Statute, seeking to obtain for it the widest consent possible of “regional society”. Similarly, with regional law 29 December 2006, no. 35, the Valle d’Aosta Region also proceeded to establish the “Convention for the autonomy of the Special Statute of the Autonomous Region of Valle d’Aosta”. It is noted, however, that neither of these two experiences actually led to the reform of the Statutes of autonomy.

Recently, the two Autonomous Provinces of Bolzano and Trento have also undertaken participatory processes aimed at revising their Statute. This refers to the “Convention on South Tyrol”, established with Provincial Law

23 April 2015 no. 3 in order to guarantee broad involvement by South Tyrolean civil society in the reform of the Statute of autonomy. The Province of Trento, with Provincial Law 1/2016, established, in turn, the “Consultation for the Special Statute”, a body which is given the task of promoting participation of the community and involving citizens and social partners in defining the contents of the reform of the special Statute. These two processes are still in progress and thus we cannot yet evaluate the outcomes achieved.

The first “explicit” legislative reference to participatory democracy as part of the legislative framework of the Autonomous Province of Trento requires further consideration. This reference regards provincial law 12/2014 amending provincial law 3/2006 regarding specific aspects of the institutional system of local entities in Trentino. This law provided for a series of rules concerning the participation of citizens in the decision-making processes of the Valley Communities (*Comunità di Valle*), the intermediate level of government between Municipalities and Province in a new chapter (V ter). With regard to the approval of the so-called development plans (acts of general administrative nature), the law stipulates that the Valle Communities are mandated to initiate processes of participatory democracy with the support of the Local Participation Authority.

The example of the Autonomous Province of Trento is not the only one with regard to organic sub-national regulations of forms of popular participation, other than those of direct democracy. In the same direction, regional law 25/1974 of the Veneto Region deals with laying down rules on participation in the process of the Region’s will formation. In particular, the provision outlines the legal framework within which the consultation processes must be included (or “preventive participation” as defined by law) and activated by the regional institutions to guarantee the participation of all citizens in forming regulatory acts.

Recently, the Piedmont Region has also adopted a law concerning the actual participation of citizens and social formations in public governance policies, as well as to encourage more productive collaboration between citizens and the public administration. This is regional law 10/2016, containing the “Implementation of article 118, fourth paragraph of the Constitution: rules for the promotion of active humanitarian citizenship”. The law, in fact, as well as providing methods of public participation in procedures of forming regional and local regulatory acts, deals mainly with implementing the principle of horizontal subsidiarity, provided pursuant to Art. 118 paragraph 4 of the Constitution, encouraging in particular the autonomous initiative of citizens in the pursuit of general interest activities.

As regards the development of sectoral policies, there is a common trend to regulate, at least in principle, the participation of citizens by means of instruments and mechanisms of consultation on all environmental but also sanitary and territorial planning issues. Accordingly, Friuli Venezia Giulia Region provides at Art. 4 of regional law no. 43/1990 (Regulation in the Friuli-Venezia Giulia Region of the environmental impact assessment) that the participation of citizens is an essential requirement of the environmental impact assessment. The same approach is also adopted by the legislation of the Piedmont, Liguria and Veneto Regions. Namely, in Piedmont, it is provided at Art. 10 of regional law 40/1998 entitled “Provisions concerning environmental compatibility and assessment procedures”, in Liguria in Arts. 1 and 11 of Regional Law 38/1998 (Regulation of environmental impact assessment) and in Veneto in Arts. 2,3,10,14 and 15 of regional law 18 February 2016, no. 4, laying down “Provisions on the environmental impact assessment and competences on integrated environmental authorisation”. As to participation as part of territorial planning, see regional law 61/1985 (“Rules for the Structure and Use of the Territory”) of the Veneto Region, with particular reference to Art. 1 which includes among its aims civic participation in territorial planning, as well as the law for government of the territory (regional law 12/2005) of the Lombardy Region at Art. 2; Art. 4 of that law regulates in more detail the methods by which to initiate and conduct the public consultation. The Autonomous Province of Bolzano, pursuant to Art. 14 bis of Provincial Law 13/1997 (Provincial Urban Law), delegates to the Municipalities the possibility of initiating processes of participatory nature with reference to the adoption of strategic plans of municipal or inter-municipal development. In addition, in relation to protection of health, provincial Law 16/2010 of the Autonomous Province of Trento, provides, pursuant to Art. 5 that “citizens, in single or associated form, contribute to defining and implementing policies for health, assessment of activity and results of the provincial health service”.

1.6 LIECHTENSTEIN



Introduction: Territorial Organisation

The Principality of Liechtenstein is a hereditary constitutional monarchy, in which the territorial organisation of power corresponds to the paradigm of the unified State. On the other hand, the very territorial dimension of the State as a whole corresponds to the dimension that tends to be found in Europe for local entities. Therefore, there is no intermediate level of government, although the territory is split into eleven (very small) Municipalities that enjoy solid constitutional guarantees. The existence of two historic Regions, Oberland (consisting of six Municipalities) and Unterland (five Municipalities) solely fulfils electoral purposes, as the two territories coincide with the two electoral constituencies.

Constitutional Foundations

There is no explicit reference in the Constitution of Liechtenstein to forms of participatory democracy in the meaning used by this study.

The 1921 Constitution states that power is split between the prince and the people (Art. 2), and popular participation is identified with reference to the – numerous – forms of direct democracy. The participatory and deliberative dimension of the democratic principle is therefore absorbed within the binary (yes/no) logics that typically characterise the referendum. On the other hand, Liechtenstein, along with Switzerland, is considered one of the most “cutting-edge” countries in relation to direct democracy in view of the following factors: the solid constitutional coverage and broad proliferation of instruments and practices of direct democracy across the whole territory, the guarantee to the citizens of the possibility to activate those instruments. In the latter regard, the provisions set out in Art. 64 of the Constitution regulate the popular legislative initiative, also in constitutional matters – and Art. 66 bis deals with popular consultation (referendum) on legislative acts. A limited reference to participation, not otherwise classified, is found in Art. 15 of the Constitution, with regard to education and training, where reference is made to the cooperation of families, schools and the Church in the definition of the system.

Provisions on Participatory Democracy in the State Legislation

Confirmation of the predominance of instruments of direct democracy can also be found in ordinary legislation. In this regard, we note that the law on the exercise of political rights – *Gesetz über die Ausübung der politischen Volksrechte in Landesangelegenheiten (Volksrechtengesetz, VRG)* dated 17 July 1973 – dedicates its whole IV title to the regulation of the referendum, legislative initiative and the initiative of constitutional review, as well as the convocation of Parliament (*Landtag*). These instruments are disseminated even more broadly at the municipal level, where the (*Gemeindeversammlung*) citizens’ assemblies, for example, can be found. These are the main body of the Municipalities, and in accordance with Art. 24 et seq of the municipal law – *Gemeindegeseztz (GemG)* dated 20 March 1996, are constituted by all the constituents of the Municipality and are responsible for performing the functions typically assigned to the municipal council (i.e. appointment of other bodies, adoption of municipal regulations).

Against the backdrop of a broad range of forms of direct participation, a lack of legislative provisions making specific reference to principles and forms of participatory democracy is to be noted. The latter consideration is not to be extended to the participation of young adults. Indeed, various acts formally guaranteed youth participation, most probably due to their exclusion from the instruments of direct democracy. The law on schooling, for instance, provides for the co-responsibility and participation of young people in decisions affecting them as students (Art. 9b, *Schulgesetz (SchulG)* dated 15 December 1971). To this end, the school system lays down the age and stage of development deemed to be adequate for the co-responsibility and participation.

Moreover, Arts. 87 and 88 of the *Kinder- und Jugendgesetz (KJG)* dated 10 December 2008, including both children and young people, regulates both the rights of participation and the respective procedural guarantees. In this regard, Art. 87 requires that both the central and the municipal level guarantee the participation of young people and children in public decision-making processes, by giving them the chance to express their opinions, particularly with regard to matters directly concerning them and their future. Art. 88 provides for procedural guarantees, stipulating that the State and the Municipalities must develop procedures adequate to ensure the participation of young people. Likewise, Art. 88 provides (paragraph 2) that any draft laws concerning young people must be sent to schools, so that adolescents have the opportunity to express their position in that regard. Finally, paragraph 3 (of the recalled provision) stipulates that in planning and programming acts affecting young people, evidence must be provided that their interests have been taken into consideration.

1.7 SWITZERLAND



Introduction

Switzerland has been a federal State since 1848. Its power is shared between the Confederation (Central State), the twenty-six Cantons (Federal States) and the 2,324 Municipalities (at 1.1.2015). Each of these levels holds legislative power (to pass laws) and executive power (to execute them). The Confederation is solely responsible in the sectors expressly assigned to it by the Federal Constitution. All further responsibilities (for example, in the sectors of education, hospital or police) fall within the area of competences of the Cantons, which therefore enjoy a very wide degree of autonomy. Accordingly, the degree of asymmetry in the Swiss federation is very high, as each canton may adopt decisions in a very large number of sectors, including taxation. All twenty-six Cantons fall within the boundaries of the Alpine Space and are therefore analysed in this report.

Constitutional Foundations

Swiss citizens can participate in the political process not only by electing their representatives, but also by having a direct effect on legislative or constitutional changes to the legal system. Although Switzerland is not the only country where the population is enabled to exercise forms of direct democracy, here these possibilities are much more extensive. Indeed, the Swiss institutional political system could be defined a “semi-direct democracy”, as the adoption of instruments of direct democracy, at federal level, in Cantons and Municipalities, occurs with extreme frequency.

The Federal Constitution dedicates a whole title (Art. 136-142: “People and Cantons”) to political rights and institutions of direct democracy, including popular initiatives and all different forms of referendum. On the other hand, as regards participatory democracy in the herein proposed understanding, Art. 147 of the Constitution (Consultation Process) is noteworthy, as it reads: “The concerned Cantons, political parties and environments are consulted as part of the preparation process of significant legislative acts, other large-scale projects, and important international treaties”. This provision, contained in the section regarding the legislative authority, stipulates that all stakeholders concerned by legislative acts are to be consulted in the development of the latter, thereby enabling the initiation of deliberative procedures if necessary.

References in the Constitutions of the Cantons

As anticipated, the twenty-six Swiss Cantons all fall within the boundaries of the Alpine Space, and thus their respective Constitutions have been analysed, in particular by identifying the most emblematic and innovative elements with respect to the general context connoted by the preponderance of institutions and elements of direct democracy.

It should be emphasised that a group of Cantonal Constitutions provide for the institution of so-called *Landesgemeinden* or *Gemeindeversammlungen*, i.e. assemblies involving the entire community of citizens of a Municipality or a Canton, which hold the powers to adopt direct decisions of political nature. These assemblies could be perceived as a pure manifestation of that direct democracy understood as the immediate exercise of power by citizens, attributable to the democracy of Ancient Greece or the *Town Meetings* of US New England, and thus not fully coinciding with the concept of participatory democracy herein espoused. Accordingly, a *Land(e)sgemeinde* is provided for at Canton level by the Constitutions of Appenzell Innerrhoden. (pursuant to Art. 1) and the Canton Glarus (pursuant to Art. 1 and Art. 61 et seq.). It is also interesting to note that the latter Constitution also stipulates that participation in the *Landsgemeinde* not only represents a right but also a civic duty (Art. 21). With regard to the municipal level, the establishment of citizens’ assemblies (*Gemeindeversammlung*; *assemblée des citoyens*) is provided for by the Constitutions of the following Cantons: Valais pursuant to Art. 72; Ticino pursuant to Art. 17; Appenzell Innerrhoden. pursuant to Art. 1; Aargau pursuant to Art. 59; Basel-Landschaft pursuant to Art. 151; Basel-Stadt pursuant to Art. 66; Freiburg pursuant to Art. 50; Canton Glarus pursuant to Art. 1; Graubünden ex Art. 66; Jura pursuant to Art. 117; Nidwalden pursuant to Art. 73 et seq; Obwalden pursuant to Art. 47; Uri pursuant to Art. 110; Zug pursuant to Art. 17; Zürich pursuant to Art. 86.

Beyond the specific instrument of the *Gemeindeversammlung*, numerous Constitutions include a chapter, title or paragraph dedicated to the participatory rights of citizens (*Mitwirkungsrechte*). The majority of these consist of traditional instruments of direct democracy, which, as already clarified, are preponderant in the Swiss system. Conversely, some also include statements of principle regarding “deliberative” possibilities of citizens’ involvement in decision-making procedures. This occurs in particular in following Constitutions: of the Canton Vaud pursuant to Art. 85 et seq; of the Canton Appenzell Ausserrhoden pursuant to Arts. 56-57; of the Canton Basel-Landschaft pursuant to Art. 34

et seq; of the Canton Luzern pursuant to Arts. 26 and 27; of the Canton Zürich pursuant to Art. 39.

In a considerable cluster of Cantonal Constitutions, however, the rights of participation coincide with a certain participatory instrument, that of the consultation (*Vernehmlassungsverfahren; Procédure de consultation*). The latter instrument is also provided for at federal level by the federal Constitution. It can be understood as a phase of the preliminary legislative procedure in which projects with considerable political, financial, economic, ecological, social or cultural scope are examined by all those who are potentially affected by the legislative act under the perspective of material accuracy, suitability for implementation and consent. These Constitutions include the following: the Constitution of the Canton of Valais at Art. 30 Para. 2; that of the Canton Appenzell Ausserrhoden at Art. 57; that of the Canton Basel-Landschaft pursuant to Art. 34 and the Canton Basel-Stadt at Art. 53; the Constitution of the Canton Bern at Art. 64; the Constitution of the Canton Lüzern pursuant to Art. 27; that of the Canton Nidwalden pursuant to Art. 52 Para. 5; that of the Canton Schaffhausen pursuant to Art. 36; the Constitution of the Canton Solothurn at Art. 39; Art. 53 of the Constitution of the Canton St. Gallen. Even the Constitution of the Canton Geneva provides for a *Vernehmlassungsverfahren* (Art. 110) but limits it to representative circles, political parties and Municipalities.

Finally, it is interesting to note that some Cantonal Constitutions provide for the possibility of citizens' participation in the development of specific sectoral policies and in the cantonal planning. The Constitution of the Canton Basel-Landschaft, for instance, provides for the involvement of citizens in decisions relating to the cantonal and municipal development pursuant to Art. 117 (*Mitwirkung bei der Planung*); the same occurs for the Constitution of the Canton Geneva pursuant to Art. 134. Moreover, the Constitution of the Canton Basel-Stadt at Art. 55 reads: "*Der Staat bezieht die Quartierbevölkerung in seine Meinungs- und Willensbildung ein, sofern ihre Belange besonders betroffen sind*", as also occurs – pursuant to Art. 46 Para. 5 – in the Constitution of the Canton Jura in which provides that "the opinion of the populations directly affected needs to be taken into account" in territorial planning.

Participatory Provisions in Federal Legislation

Numerous regulatory acts can be identified as regards the references to participatory democracy in federal legislation. Even though the Swiss federation holds limited powers, expressly enumerated in the constitution, and though the cantons hold a broader authority concerning the democratic instrument, as emerged from the analysis of the cantonal constitutions, it is, however, possible to identify some references to instruments aimed at including the population in the development of general regulatory acts.

Firstly, the Federal Law on the consultation procedure dated 18 March 2005 (SR 172.061) and the respective Order on the consultation procedure, dated 17 August 2005 (SR 172.061.1), aimed at implementing Art. 147 of the Constitution should be mentioned. The law stipulates that the consultation procedure provides information on the congruity of a project of the Confederation, on its implementation and on the consensus that it gathers, also providing that any person or organisation can participate therein and present its opinion (Arts. 2 and 4).

An important reference is to be made also to participation of citizens in Art. 4 of the Federal Law on Territorial Planning dated 22 June 1979 (SR 700) since "The authorities granting planning duties inform the population of the purposes and development of the scheduled planning" and "ensure that the population is adequately involved in the planning process". The recalled law establishes, in principle, the guidelines that Cantons and Municipalities in particular are required to follow in territorial planning procedures. These provisions are implemented in a further federal legal source, the Order on territorial planning dated 28 June 2000 (SR 700.1) of which Art. 19 is particularly important in view of participatory democracy.

Moreover, as part of the development of sector policies, particularly in the environmental area, it is interesting to refer to two further legislative sources. The first is the federal law on the protection of nature and the landscape dated 1 July 1966 (SR 451), which provides for the involvement of the populations concerned pursuant to Art. 23i. The second is the legislative transposition of the Convention on Access to Information Public Participation in Decision-making Processes and Access to Justice in Environmental Matters (SR 0.814.07). The latter, at Arts. 6, 7 and 8, deals with the participation of the public in decisions relating to specific activities, in plans, programmes and policies on environmental matters, and in the development and the implementation of regulations and/or regulatory instruments that are legally binding and generally applied.

Cantonal Legislation Concerning Participatory Democracy

As already highlighted, the Swiss democratic structure rests on the foundations of direct democracy, leaving little room for the development of methods of democratic innovation. This is also true at cantonal level, although – as emerged from the analysis of the Cantonal Constitutions – it is in any case possible to identify institutions partially conforming with participatory democracy.

In view of the large number of Cantons (26) it will not be possible to offer a complete overview of the legislative acts that deal with the participatory involvement of citizens. We will therefore proceed to select examples of

regulatory acts that give an idea of the methods by which the elements highlighted in the cantonal Constitutions are implemented. There are, in particular, two categories of legislative acts that can be attributed to the cantonal intention to include citizens in democratic processes with participatory inspiration. The first concerns the laws that regulate the functioning of the Municipal Assemblies (*Gemeindeversammlung*) which, however, represent the purest manifestation of direct democracy in which citizens take decisions without the intermediation of political power, rather than forms of participatory democracy. The second category includes all those institutionalised proceedings of participation provided for by laws, particularly those relating to urban and environmental planning, policy areas in which references to popular participation are becoming more and more frequent.

With regard to the first category, the Cantons giving legislative implementation to the institution of the *Gemeindeversammlung* did so in a part of the Law on the Municipality (*Gemeindeggesetz*). These include, for example, Art. 47 et seq. of the *Gemeindeggesetz* of the Canton Basel-Landschaft; Art. 19 et seq. of the *Gemeindeggesetz* of the Canton Aargau; Art. 14 of the *Gemeindeggesetz* of the Canton Appenzell *Außerrhoden*; Art. 6 et seq. of the *Gemeindeggesetz* of the Canton Basel Stadt; Art. 28 of the *Gemeindeggesetz* of the Canton Glarus; Art. 19 of the *Gemeindeggesetz* of the Canton Schaffhausen; Art. 11 et seq. of the Organic Municipal Law of the Canton Ticino; Art. 5 of the *Gemeindeggesetz* of the Canton Thurgau; and Art. 69 et seq. of the *Gemeindeggesetz* of the Canton Zug.

Reference must be made also to the regulatory acts of the Cantons of Appenzell Innerrhoden (*Verordnung über die Landsgemeinde und die Gemeindeversammlungen vom 1. Dezember 2014 Der Grosse Rat des Kantons Appenzell Innerrhoden, SR 160.410*) and to those of the Canton Glarus (*Vorschriften über die Durchführung der Landsgemeinde dated 6 May 1973 I D/21/2*) relating to the activation and functioning of the institution of the *Landsgemeinde*.

The second category of interventions concerns, on the other hand, those sector regulatory acts that require – in implementation of the provisions embedded in the cantonal Constitution – the participation of the population (*Information und Mitwirkung der Bevölkerung*) in producing plans for urban and/or environmental and/or energy and/or water and/or foreign development. These include, for example: for the Canton Bern, the *Baugesetz* pursuant to Art. 58 and the *Wasserbaugesetz* pursuant to Art. 23; for the Canton Aargau the *Waldgesetz* at Art. 15; for the Canton Appenzell I. Rh Art. 9 of the *Baugesetz*; for the Canton Basel-Landschaft Art. 4 of the *Wasserbauverordnung*, Art. 7 of the *Raumplanungs- und Baugesetz* and Art. 27 of the *Kantonale Waldverordnung*; for the Canton Basel- Stadt Art. 74 of the *Bau- und Planungsverordnung* and Art. 22 of the *Waldgesetz*; for the Canton Graubünden Art. 4 of the *Raumplanungsgesetz*; for the Canton Ticino Art. 5 of the Law on territorial development; for the Canton Thurgau Art. 9 of the *Planungs- und Baugesetz*; for the Canton Uri Art. 44 of the *Planungs- und Baugesetz*. It should be noted that the cited provisions merely provide for the participation of the public in the development of these plans, without entering into detail with regard to the methodologies of implementation of this participation, thus leaving to the authorities the ability to decide how to structure it.

Finally, in a large number of Cantons, one can identify the presence of administrative regulations (*Verordnungen*) governing those consultation procedures (*Vernehmlassungsverfahren; Procédure de consultation*) provided for by the cantonal Constitutions.

1.8 SLOVENIA



Introduction: Territorial Organization

Slovenia is a recently established independent unitary State (1991) founded in accordance with the logic of administrative decentralisation, on the basis of which the municipal level stands alongside the central level. In particular, the 1991 Constitution guarantees local self-government (Art. 9 and Arts. 138-144) and the local government reform law of 1993 (*Local Government Act*) establishes the organisational principles underpinning the legal system of the Municipalities (of which there are currently 212). Since 2012, Slovenia has also been divided for statistical reasons into 12 Regions, which, however, cannot rely on their own bodies or powers. The Constitution stipulates their establishment following the amendment pursued in 2006. Finally, the Slovenian State is split into 58 devolved administrative units, which are not independent bodies but simply carry on the duties and responsibilities of the State at decentralised level. This structure is reflected in both the division of competences, as the legislative power is exclusively in the hands of the central level, and in the State supervisory power on the legality of the activities performed by the local authorities, as Regions do not enjoy legislative powers. They are established through ordinary law, which also determines the respective territory and denomination. Again, ordinary law transfers the exercise of specific duties to along with the necessary resources for their fulfilment. The purpose of this section of the report is the reconstruction of the legislative setting of participatory democracy, accordingly only the provisions regarding participatory democracy will be analysed, including in the sources of law of both constitutional and ordinary nature.

Constitutional Foundations

In Slovenia's Constitution, there is no explicit regulatory provision dedicated to forms of participatory democracy. On the other hand, Art. 44 of the Constitution, by codifying "the right of every citizen to participate either directly or through elected representatives in the management of public affairs, in compliance with the law" is attributable to the typical rules of direct or representative democracy. Art. 145 of the Constitution can also be subject to a similar interpretation, where it stipulates that citizens may be attributed by law the authority to manage autonomously certain matters falling within the competence of the central State. Finally, public participation in decision-making processes is a principle accepted by the Slovenian legal system also by virtue of international treaties including, emblematically, the Aarhus Convention.

Provisions on Participatory Democracy in State Legislation

In Slovenia participatory democracy is envisaged both in acts of general scope and in sectoral provisions which, in regulating specific areas of public action, also provide instruments and procedures of involvement of individuals in the decision-making process, particularly with reference to the adoption of administrative acts of general scope.

Among the acts with general scope, an emblematic reference needs to be made to the act that regulates the organisation and decision-making procedures of the Slovenian Government (*Rules of Procedure of the Government of the Republic of Slovenia*). Although it should not be regarded as a law in the strict sense, the act stipulates, at Art. 9, entitled "public participation", that experts and the public may submit proposals and opinions to the Government, to the relevant Minister or to the government offices on acts that they are asked to adopt, stipulating that they must be examined and, if possible, taken into consideration in adopting the regulation. The realization of the latter form of participation requires the authority that intends to propose a regulatory act, to invite experts and the general public to participate in the development phase and to publish, both the draft of the act and an invitation to participate, on the institutional website, indicating, at the same time, the deadline by which this is possible (between 30 and 60 days from the publication). In addition, the provision *de qua* involves the obligation for the proponent to inform in writing the experts and the public where the respective proposals and opinions have not been taken into consideration, explicating the reasons for that decision within 15 days from the act's adoption. The provision also strictly lists the exceptions to that rule, including emergency procedures, decisions relating to the national budget (adoption, implementation, ...) or connected with it (financial laws), procedural government rules, ratification of international treaties.

The resolution of the national assembly (*Resolution on Legislative Regulation of 2009*), relating to legislative activity, includes a political commitment in favour of the public's inclusion in decision-making processes, aiming at both the development of regulatory acts and of public policies in general. The recognition of public participation in the formation of legislative acts as a rule can also be implicitly found in the rules relating to the organisation and function-

ing of Parliament (Rules of Procedure of the National Assembly - PoDZ-1). Art. 46 thereof orders the publicity in the media of participation procedures, while Art. 115, provides among the necessary contents of the introduction a draft law, the acknowledgement within it of the participation of the public in the developing phase of the draft law.

As regards the sectoral regulation, the current legislation on the environment is of particular interest. The law relating the management of waters - *Waters Act (ZV-1)*, dated 22 July 2002 as later amended – includes the principle of public participation among the principles regulating the public action in this specific field (Art. 3), allowing the public to participate in the adoption of the water management plans. Moreover, in accordance with Art. 55 Para. 3.2, the water management plan must acknowledge the activities and the results of public participation in its development phase. Art. 58 then specifically defines the procedures that guarantee public participation. The participation is concretized in granting the right to submit written proposals and opinions within one year from the notification of the initiation of the plan's elaboration procedure. Public participation is successively ensured also with regard to the plan's draft, elaborated at least one year before the start of the validity period (within six months from its publication).

In a similar direction, the law on territorial planning - *Spatial Planning Act (ZPNact)* of 2007. Art. 5, in defining the principle of publicity, stipulates – at paragraph 1 – the obligation of the competent national and municipal authorities to allow individuals to express their interests and to enable all affected individuals to participate in the adoption procedure of territorial planning acts. Art. 32 specifically lays down the procedures that guarantee public participation in the development of the national territorial plan, by providing for a public hearing on the project and by ordering precise time guarantees. The aim is to ensure the effective participation and to guarantee the right of public participation through comments and proposals in the various phases of development. Furthermore, it mandates the competent entity to take into examination the various proposals and positions and to publicly take a stance in that regard. In addition, the public must be informed, if it is necessary to perform an environmental impact assessment for the adoption of the act. Similarly to Art. 32, Art. 50 fixes the procedures to guarantee public participation in developing the municipal territorial plan (Art. 60 discusses the municipal territorial plan in detail, further referring to Art. 50).

The law on environmental protection contains (*Environment Protection Act (ZVO-1)* SOP-2004-01-1694 – most recently amended pursuant to the Act amending the *Environment Protection Act (ZVO-1B)* - OJ RS, No. 70/08) numerous provisions dealing with public participation. *In primis*, Art. 13 – affirming the principle of publicity as a fundamental principle of the field at issue – introduces, at paragraph 3, “the right of the public to participate in procedures concerning the development and adoption of plans, programmes and activities on environmental protection”. In addition, paragraph 5 further specifies the participation in procedures for the adoption of policies, strategies, programmes and plans that concern environmental protection, including the adoption of legislative acts (where provided by this law). Following the text of the *law de qua*, Art. 26 entitled “public participation” then specifically deals with the procedural and temporal guarantees for the participation in the development of a programme of measures intended to improve the quality of the environment or of the environmental components. Also in this case the analogy with the procedural and temporal guarantees mentioned above is strong.

Along the same lines, Article 34a adds (following the 2008 amendment) a form of public participation with specific reference to the adoption of regulations that can have a significant environmental impact (including those relating to environmental protection, conservation and management of natural resources). Also, in this case, the rule provides the guarantee for the public to familiarise themselves with the proposals and to submit comments and express opinions in that regard. Art. 37 guarantees participation both in the development of the national environmental action programme, which defines the long-term goals, guidelines, duties and activities on environmental protection, and in the operational action programmes on environment, adopted by the government to implement the national environmental action programme referred to above.

The guarantees of public participation are then particularly strong with reference to the environmental impact assessment, required for various activities. These include the development and modification of plans, programmes and other documents, the implementation of which may have an impact on the environment. In accordance with Art. 58, the competent minister provides all documentation (including the application for environmental protection consent, the environmental impact report, the written opinions provided on the revisions made, the draft decision on the environmental protection consent), in order to allow the public to express their opinions and to make their comments. A similar procedure is also in place for those plans, programmes or other documents likely to have an impact on the environment and for which the integrated environmental impact assessment is required. In accordance with Art. 43, the proposing entity must make the plan, the environmental report and any changes public so that the acts in question can be subject to public debate for at least 30 days. During this period, the public is entitled to express its opinions and to comment on the plan and the environmental report. The proposing entity is required to guarantee adequate publicity regarding the place and the period in which the documents will be available to the public for the purposes of the public debate, also indicating the method by which to express opinions and make comments. The right to participate is granted to every individual and legal entity that has permanent residence, a registered office, or a property within the area covered by the plan.

The law on protection of cultural heritage also provides, in principle, for the involvement of the public. In fact, it states at Art. 2 of the *Cultural Heritage Protection Act (ZVKD-1)* that it is in the public interest for the protection of cultural heritage to include public participation in issues relating to its protection.

In providing for the broad participation of the public in adopting administrative acts of general scope, these sectoral legislative acts mostly limit themselves to provide for general procedural and temporal guarantees intended to render the participation effective, leaving at the same time the parties free in relation to the methods and tools with which to turn effective the exercise of the right. At the same time, there are no provisions regarding the effects of the decision-making process on the opinions expressed and comments made. Moreover, these are mostly forms of administrative participation, being, as a whole, not very similar to the principles and logics of deliberative democracy.

Finally, the participation of the population in public decisions at local level is particularly significant. This is also important as the functions of that level include the implementation of measures to safeguard the environment. The rules thereof are contained in the *Local Self-Government Act (LSA)*, as well as in the sectoral legislative acts adopted by the central level (mentioned above). In addition to forms attributable to direct democracy (local assembly, popular initiative, referendum), the law provides forms of involvement of the public in the decision-making process at the municipal level.

On one side, Art. 64 LSA, in establishing the contents of municipal statutes, provides that they define the methods of participation of members of the municipality in adopting decisions. On the other, Art. 45 LSA provides that citizens may discuss, present their positions, make proposals, express opinions and adopt decisions in municipal assemblies (citizens' meetings), in compliance with the law and the Statute. These meetings may involve the entire municipal territory or parts of it and they be convened by the Mayor in office, or at the request of 5% of the active electorate of reference. Moreover, the Statute must offer specific regulations with regard to the fields that may be subject to discussion, the procedures for convening the meeting and for its conduction, the numerical requirements of participation for the validity of the resolutions, as well as those of any decisions, and the effects/constraints that the positions expressed (or decisions made) have on the concerned municipal bodies adopting the respective decisions.

PART II

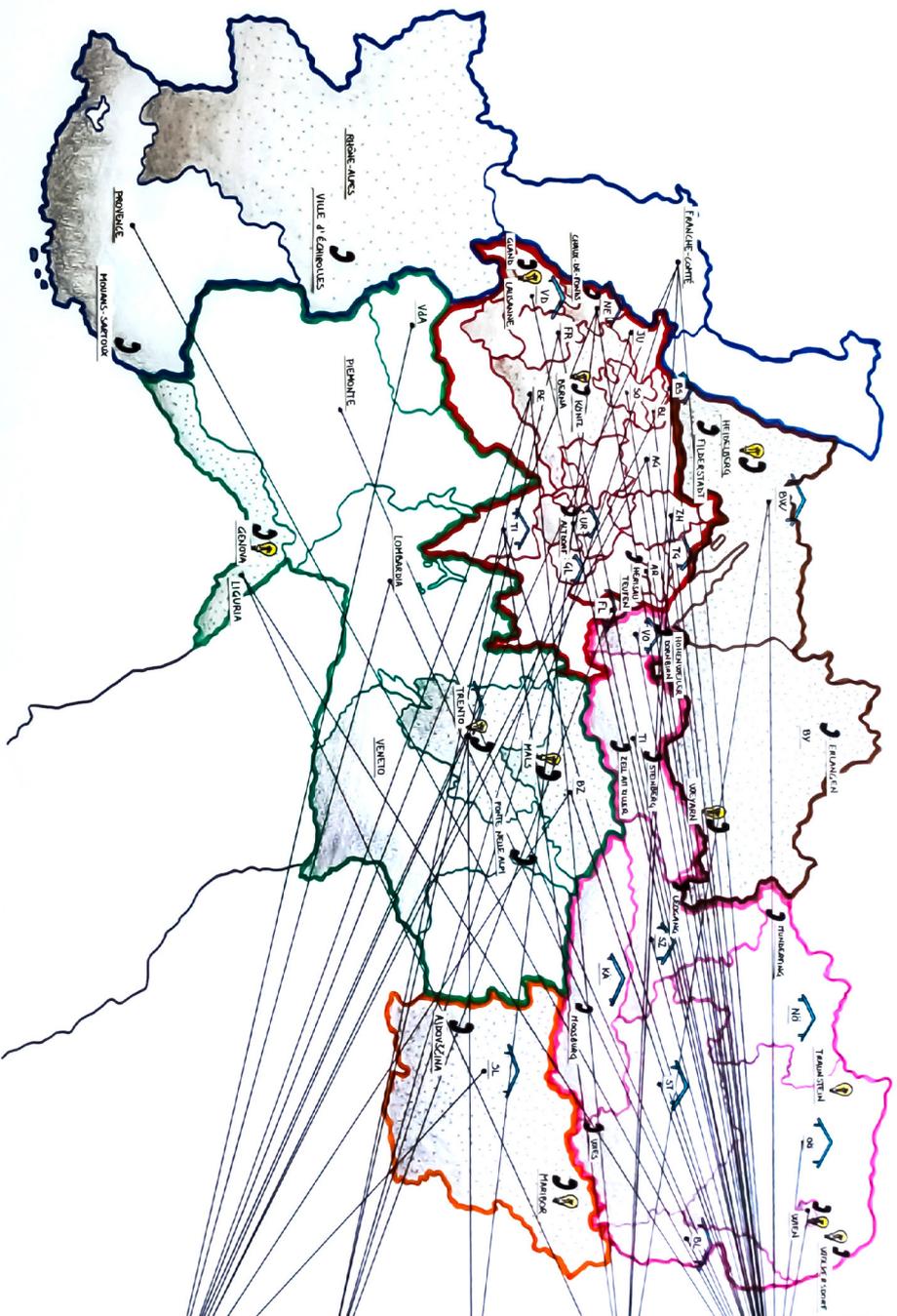
PARTICIPATORY DEMOCRACY IN MUNICIPAL PRACTICE IN THE ALPINE SPACE



PARTICIPATORY DEMOCRACY IN THE ALPINE AREA



- INTERVIEWS** (represented by a circle with a comma)
- CONDUCTED INTERVIEWS** (represented by a circle with a comma)
- PARTICIPATION BY-LAWS, CHARTERS** (represented by a circle with dots)



MAIN GOALS OF THE PARTICIPATORY PROCESSES

- POLITICAL INVOLVEMENT** (represented by a circle with a question mark)
- EFFICIENCY, INNOVATION, SUSTAINABILITY** (represented by a circle with a laptop)
- EDUCATION** (represented by a circle with a brain)
- LEGITIMATION** (represented by a circle with a classical building)
- CULTURE OF TOGETHERNESS** (represented by a circle with hands holding a globe)

Legend:



REGIONAL OFFICES



EXAMPLE OF GOOD PRACTICE

2.1 METHODOLOGY

The constitutional structures underlying the sub-national authorities of the seven alpine States provide a rather heterogeneous picture that the provisions of international and EU law only manage to harmonise to some degree (Bußjäger 2010). Although the data analysis in this part of the study confirms this, it has to be acknowledged that the inhabitants of the regional authorities in the Alpine Space do have one thing in common: the historico-spatial relations (Pernthaler 2009). Compared to other geographical macro-Regions, these bring along a noticeably different form of policy-making, identity formation and system performance and, as such, constitute a binding element within the Alpine Space (Große-Hüttmann 2009). Moreover, they do not only allow for the creation of spaces for the initiation, realisation and further development of participatory practices, but also facilitate the smooth exchange of know-how about theoretical implications and empirical evidence of participatory democracy in the Alpine Space.

The primary focus of this part of the study is the lowest level of government within the European multilevel system – Municipalities – for which it evaluates the empirical data set (interviews in selected Municipalities and questionnaires at national/regional level with regard to general issues regarding participatory practices, procedures and processes). Ultimately, the following chapters pursue the aim of providing an overview of the institutionalisation of successful participatory processes of deliberative nature from the perspective of key actors in local authorities (politicians and civil servants). Considering this aim, the authors only briefly refer to differentiations of constitutional nature and political science literature on participatory democracy.

In line with the goals and objectives of the partners consortiums successful project proposal, this part of the comparative report's purpose is to collect and examine good examples of innovative experiences of participatory democracy in the Alpine Space, with a special focus on Municipalities and youth participation. In order to achieve this, the analysis is based on data that was collected from primary and secondary sources, such as regional constitutions, municipal by-laws, questionnaires and semi-structured interviews, as well as from literature. In that regard, primary data, sources of law and participation guidelines were evaluated and its results were tested against the background of the main concepts present within the literature. By and large, the material was compiled by the project team of the Institute for Comparative Federalism at Eurac Research under the assistance of the project partners and interviewees.

Throughout the report, the reader should keep in mind the following methodological challenge that is inherent to comparative institutional analyses: achieving the right balance between illustrating generally emerging trends and adopting a case study approach. While, of course, it is important to outline the formal, theoretical and multi-level framework in which innovative participatory democracy can take place, the empirical analysis of the collected sources takes a more functional approach and traces the institutional, political and administrative practices that have emerged as relevant factors for the implementation of successful participatory practices. With some exclusions, where exemplary practices are explained in more detail, the analysis does not focus on case studies of countries but, rather, provides a comparison of institutional settings that seem to contribute to good examples of participatory democracy. Considering the scope of the project, special attention was paid to how youth participation works in these institutional settings. Links containing details of the collected sources and analysed material are also listed at the end in order to provide further sources of information to all interested readers (see 2.6).

During the first stage of the analysis of good experiences of participatory democracy in the Alpine Space, a common questionnaire was sent out to administrators of all 48 sub-national entities of the Alpine Space, as well as Slovenia and Liechtenstein. This questionnaire was developed by researchers and statisticians at Eurac Research in collaboration with the project partners. Its aim was both to provide a picture of existing practices of participatory democracy that have taken place in the respective States and Regions and to gather the opinions of the regional representatives on the success of these practices, in order to lay the foundations for the second stage of the data collection in the form of semi-structured interviews. The decisions on who should be contacted were based upon the expertise of the project partners and project observers in the respective Regions and States. The goal was to contact those representatives with the most comprehensive knowledge of the project topics in their Region. In total, 42 of the target 50 questionnaires were collected.⁵

The second stage of data collection took place in the form of semi-structured interviews with municipal politicians and administrators. These interviews targeted Municipalities that have shown good examples of innovative experiences with participatory democracy, so as to achieve the interviews' aim of identifying institutional, administrative and political practices that are conducive to participatory democracy. The selection was primarily made from the 41 Municipalities that were listed by the regional and state representatives and that resulted from further advice from regional administrators in order to fill regional gaps. Finally, to ensure that the project proposal's target number of 25

⁵ The following Regions, *Länder* and Cantons did not reply: Appenzell Innerhoden, Luzern, Obwalden, Schaffhausen, St. Gallen (Switzerland); Rhone-Alpes (France), Friuli Venezia Giulia (Italy), Bavaria (Germany).

interviews was achieved, over 30 Municipalities in all seven alpine States were contacted by the work package leaders at Eurac Research, or by the project partners, if their linguistic assistance was required. Of those contacted Municipalities, 31 responded positively and within the required time frame to the interview requests (listed in Table 1). Unfortunately, some qualified Municipalities declined due to time restraints, such that it was impossible to conduct interviews with any Municipality in Liechtenstein. In total, a balance of 16 politicians (mayors, deputy mayors, other heads of city administrations and city council members) and 18 administrators (general officers as well as the heads and associates of participation, youth, communication or urban planning departments) was achieved. In some of the interviews, more than one interviewee took part. In order to ensure the anonymity of the interviewees, Table 1 only lists their general role.

Considering the linguistic diversity and regional peculiarities of the Member States of the Alpine Space, the interviews were divided between four of the project partners. Besides Eurac Research, the Slovenian interviews were delegated to the Municipality of Idrija and the interviews that required proficiency in the French language were delegated to Alparc and Parc de Bauges. However, to ensure the comparability of the results, the work package leaders at Eurac Research developed detailed guidelines for the semi-structured telephone interviews. In a next step, the results were clustered into standardised answer tables, in order to facilitate the comparative data analysis and to reveal patterns, trends and similarities.

At the beginning of this empirical part of the research, an infographic (visual map) illustrates the alpine arch and visualizes the research findings. One of the main results shows that there is no single standard formula for participation that leads to good practices. The mapped experiences are manifold and take diverse shapes throughout the Alpine Space, which the infographic reflects. In order to visualize this diversity, the map highlights the specific results in the approximate geographical area. This map is, of course, not comprehensive but intended to represent the good practices based on the report's methodology. This can mean that some Regions are highlighted less than others. The reader of the map should avoid normative conclusions and use the map as a visual aid to the report.

Rather than concrete instructions for successfully implementing participatory democracy, the observations made in this study are meant to be interpreted as successful but context-bound proposals of how deliberative citizen participation can work and has worked.

Table 1: Interviews (municipal level)

Country	Municipality	State/Canton/ Region	Popula- tion	Interview with
Austria	Moosburg http://www.moosburg.gv.at	Carinthia	4567	Politician
	Wolkersdorf http://www.wolkersdorft.at	Lower Austria	7192	Politician
	Munderfing http://www.munderfing.at	Upper Austria	3031	Politician & Administrator
	Leogang http://www.leogang.at/	Salzburg	3252	Politician
	Wies https://www.wies.at/	Styria	4511	Politician
	Steinberg am Rofan http://www.steinberg.tirol.gv.at/	Tyrol	ca. 300	Politician & Administrator
	Zell am Ziller http://www.gemeinde-zell.at/	Tyrol	1884	Politician
	Dornbirn https://www.dornbirn.at/home/	Vorarlberg	48 152	Administrator
	Hohenweiler http://www.hohenweiler.at/	Vorarlberg	ca. 1250	Politician
	Wien https://www.wien.gv.at/politik-verwaltung/	Vienna	ca. 1 840 000	Administrator

Switzerland	Teufen https://www.teufen.ch/xml_1/internet/de/intro.cfm	Appenzell Ausserrhoden	6205	Politician
	Herisau http://www.herisau.ch/de/	Appenzell Ausserrhoden	15 777	Politician & Administrator
	Bern http://www.bern.ch/	Bern	140 567	Administrator
	Köniz https://www.koeniz.ch/politik/politik.page/785	Bern	41 706	Administrator
	Ville de la Chaux-de-Fonds http://www.chaux-de-fonds.ch/	Neuchâtel	38 955	Administrator
	Altdorf http://www.altdorf.ch/de/	Uri	ca. 9000	Politician
	Lausanne http://www.lausanne.ch/de/	Vaud	ca. 135 000	Administrator
	Gland http://www.gland.ch/accueil.html	Vaud	12 788	Administrator
France	Ville d'Échirolles http://www.echirolles.fr/participation-citoyenne	Rhône-Alpes	35 875	Administrator
	Ville de Mouans-Sartoux http://www.mouans-sartoux.net/	Provence-Alpes- Côte d'Azur	ca 10 300	Politician
Germany	Heidelberg http://www.heidelberg.de/hd,Lde/HD/Rathaus/Buergerbeteiligung.html	Baden-Württemberg	ca. 150 000	Administrator
	Filderstadt http://www.filderstadt.de/,Lde/start/alltag/Netzwerk_Portal.html	Baden-Württemberg	45 777	Administrator
	Erlangen https://www.erlangen.de/desktopdefault.aspx	Bavaria	ca 112 000	Administrator
	Weyarn http://www.weyarn.de/aktiv.htm	Bavaria	3703	Politician
Italy	Celle Ligure http://www.comune.celle.sv.it/	Liguria	5237	Politician
	Municipio 1, Centro Est del Comuni di Genova http://www.comune.genova.it/amministrazione-condivisa	Liguria	89 370	Politician
	Trento http://www.comune.trento.it/Aree-tematiche/Beni-comuni	Trento	ca. 117 000	Administrator
	Mals/Malles http://www.gemeinde.mals.bz.it/system/web/default.aspx?sprache=2	Autonomous Province of Bolzano/Bozen- South Tyrol	5088	Administrator
	Ponte nelle Alpi http://www.comune.pontenellealpi.bl.it/xhtml/	Veneto	8363	Politician

Slovenia	Maribor http://www.maribor.si/	ca. 95 500	Administrator
	Ajdovščina https://www.ajdovscina.si/	ca. 18 900	Administrator

2.2 THE MUNICIPAL LEVEL: PARTICIPATION FOR, OF AND BY THE CITIZENS

In line with Abraham Lincoln's idea of "government for the people, of the people and by the people", the Municipality, as the government level closest to the citizens, is, first of all, the cradle of representative democracy (local politics for citizens). Secondly, it is a school of participation (local politics of/with citizens), and thirdly, it is a laboratory for innovative, deliberative models of participation models (local politics by citizens). The Municipality is considered to be the oldest form of governmental subdivision and represents the basic form of human socio-political cooperation. As a customer-oriented service facility, it is the most immediate area for citizens to identify with (Steger 2014).

Participatory democracy, is based on deliberation (Latin for "discussion, observation, reflection"), a discursive, consensus-based practice of opinion-building and decision-making in a critical civil society that is characteristic of an autonomous public sphere (Landwehr 2012). Such practices arose from the municipal level and are used particularly at that level. After all, the Municipality is the political subdivision that, in comparison to higher government levels, has the greatest innovative potential due to its manageable size and direct link to the affected public. Therefore, the practices of deliberative participation can most easily be tested at municipal level.

The argument that supports the concept of participatory democracy is that without extensive participation of their citizens (regardless of age) but only with instruments of representative democracy (fixed age threshold), political systems and societies are no longer capable of innovation. The disenchantment with politics, pervasively expressed in declining numbers of voter turnout, proves this. Furthermore, major challenges Municipalities must face (Stahl/Degen 2013), call for innovative practices of integrated decision-making (such as rural depopulation and the resulting urbanisation but also the necessary increase of its performance against the background of globalisation and growing scarcity of resources).

Models of participatory democracy that differ from those of direct democracy ("yes/no" votes) and representative democracy ("principle of majority rule"), are implemented at the municipal level more and more frequently. This means that each citizen is no longer the recipient of services only but – ideally – also co-decision-maker of these services or at least contributor to these. Using participation processes that are based on the "argumentative search for and the weighting of reasons for and against options for action by a group" (Landwehr 2012, 360) means to, on the one hand, identify approaches to a solution for the administration of common goods and, on the other, to better meet the will of the citizens with regard to the future organisation of their daily living spaces.

2.3 THE MUNICIPALITY AS A BARRIER TO OR SUPPORTER OF PARTICIPATORY PRACTICES

Against the background of demographic change, scarcity of financial and personnel resources as well as the Europeanisation of the local level, the Municipality can no longer function as a service facility only. It has to provide ideas of how to amend institutional projects in multi-level politics (Alber/Zwilling 2014). The re-interpretation of the term political participation (Alber 2015) changes both the priorities within local self-government and the assessment of needs with regard to local democracy processes. In practice this means that the Municipality has to define the role of citizens as consumers of municipal practices and – where desired – also as co-designers of municipal services. From a legal perspective, however, this does not mean a withdrawal of the state from the performance of its tasks but instead a re-orientation of local authorities with regard to its structural and procedural administration, the type and scope of its functions (i.e. its performance in the sense of service capability) and its territorial structures (with all ongoing reforms).

From a political science perspective, municipal players can either act as door openers – and thus supporters of innovative citizen participation – or as barriers for process and dialogue-oriented decision-making models. Municipalities are both the recipients and carriers of processes of change (Bußjäger 2013). The realisation of reforms at the

local level through the involvement of the wishes of its citizens is seen as a promising approach to create tailor-made solutions to complex issues (see, i.e. case studies in the European Region of Tyrol-South Tyrol-Trentino: Alber/Trettel 2015, Alber/Kress 2016 and recent handbooks and brochures on the use of participatory instruments: Nanz 2012; City of Vienna MA 19 2012; Trettel/Klotz 2015).

As a rule, the tasks and problems that a Municipality has to tackle are of universal nature. In particular, it is the Municipality's responsibility to offer citizens those services that facilitate daily life. As a customer-oriented service provider, the Municipality must have the prerequisites to optimally guarantee efficiency and the creation of a local identity, while carrying out its tasks. The extent to which Municipalities are third parties in federal and regional government systems and the extent to which they involve citizens in the decision-making process widely differs. It is context bound and the evaluations differ depending on who is asked to give answers to the question of which role Municipalities should have within a political system.

De facto politics and intergovernmental relations of the local, subnational and national level do seem to consider Municipalities as a partner in governance, but as a rather weak one, whose main task it is to execute orders and only to a lesser degree that of co-decision-making. This is particularly true with regard to the latest reforms on the role and powers of the local level in regional and federal States, which are, in most cases, imposed from above. Examples are institutionalised forms of inter-municipal cooperation or mergers of Municipalities that are undertaken without any involvement of the parties concerned. Other examples are badly administered austerity packages and spending curbs or the failure to take into account the interests of the local level, when it comes to reforms in fiscal federalism and intergovernmental financial relations. All this undermines the legitimation of municipal politics and the efficiency of local administration. It deprives local authorities of an appropriate timeframe that would at least allow them to appropriately inform their citizens in due time about upcoming reforms and, ideally, to involve them as co-decision-makers.

Municipalities in federal systems where the organisation of the local level is regulated by subnational law (i.e. by the Constitutions of the *Länder* in the case of Germany or by Canton law in the case of Switzerland) generally have greater room for manoeuvre. In regional systems, where municipal organisation is often standardised and regulated by the center, this room diminishes. This also links with differences in the models of inter-governmental relations. For federal States reference is made to a dual model while multi-directional models characterise regional States (coordination mechanisms that follow the conference model, i.e. the Italian State-Cities-local autonomy conference).

The municipal council, as the political organ that represents the citizens, decides on the administration either in its own or its assigned functions. The Municipality, however, except in special cases with greater organisational autonomy and broader freedom of action, such as metropolitan areas or statutory cities, remains the political level with the least autonomy. The municipal council usually decides on norms that are to be situated lower in the legal hierarchy than laws, only, for example, regulations, decrees or statutes. As the municipal council is unable to enact ordinary laws, from a constitutional perspective, it is thus considered as an executive, not a legislative organ.

With regard to the development of European models of municipal self-government, a rough differentiation can be made between models that are based on the French-Napoleonic (France, Italy, Spain), Anglo-Saxon (Great Britain), northern European (Scandinavian) or central European tradition (Germany, Austria, Switzerland). Accordingly, today's differentiated organisation of German municipal law reflects the long tradition of local self-administration in Germany (i.e. the Prussian legislature after the French revolution). The German Basic Law guarantees Municipalities self-administration (Art. 28 section 2). The constitutions of the German *Länder* also underline the right of the Municipalities to self-administration. In view of the federal principle, German Municipalities' competences are regulated by state constitutions. It is precisely due to this that German municipal law has very different configurations, also with regard to instruments of participation [ergo, those that can be allotted to the "participation-friendliness" category (Haug 2012)].

The federal nature of the State and corresponding wide-ranging autonomy in the area of freedom to organise municipal self-government under Canton law is also a characteristic of Switzerland. Art. 50 para. 1 of the Federal Constitution of the Swiss Federation elevates municipal autonomy in the framework of Cantonal law (cantonal constitutions, cantonal municipal laws and municipal by-laws) to the federal constitutional level; special attention is given to cities, agglomerations and mountain areas (Art. 50 para. 3 of the Swiss Constitution). Interference in municipal autonomy happens rarely and is, at the most, limited to safety and emergency measures.

In Austria, Municipalities are enshrined in Art. 116 para. 1 of the Federal Constitutional Law (B-VG), whereby the structure and responsibilities of the Austrian Municipalities are listed in – from a comparative law perspective – extraordinary detail (Art.115-120 B-VG). Further relevant sources of law are the municipal laws at the *Länder* level; they determine the rights and obligations of the municipal organs and differ from *Land* to *Land*. The area of own responsibilities is thus regulated by federal and *Länder* law depending on the subject matter. Taking into account the centralistic features of the Austrian federation, the Municipalities often act based on guidelines under direct control of the federation and circumvent the constitutional principle that vests the responsibilities regarding the organisation, tasks and functions of Municipalities in the *Länder* (Palermo 2000). In sum, the Municipality is both a territorial political subdivision with the right to self-administration and an administrative district (Art. 116 para. 1 B-VG); it is obliged to participate in the administrative functions of both the *Länder* and the federation. The concept of a uniform Municipality (*Einheitsgemeinde*), according to which all Municipalities have the same tasks and organisational structures, does not

apply to the 15 statutory cities. A *Land* law recognizes their own city law. The capital city of Vienna enjoys special status (Berka 2008); it is both a statutory city and a *Land* (Art. 108 ff. B-VG.).

Both the developments in Austrian municipal law and those in the cantons of Graubünden and St. Gallen have repeatedly inspired the development of the Municipality law of Liechtenstein. Nonetheless, it was developed independently with the first municipal law in 1842 (Rütimann 2015). The small principality of Liechtenstein currently counts 11 Municipalities that display complex forms in their territorial coverage, despite their small size.

According to Art. 114 para. 1, of the Italian Constitution, Municipalities are “autonomous authorities with their own statutes, powers and tasks in accordance with the principles anchored in the constitution” (Woelk 2014). The formal constitutional hierarchy of State, Regions (Provinces) and Municipalities was overcome in the constitutional reform of 2001: the latter were declared constituent parts of the Italian Republic. Although this regulation has no practical significance, according to constitutional theory, it means that State, Regions and Municipalities are formally equal. The State has sole legislative power over “electoral legislation, government organs and fundamental tasks of the Municipalities” (Art. 117.2. lit p, Italian Constitution). Unlike the Regions with ordinary statutes, the autonomous Regions – including Trentino-South Tyrol – have sole legislative competence in the area of “Regulations for local authorities and corresponding territorial delineation” (Art. 4 No. 3 of the Statute of Autonomy of Trentino-South Tyrol). In accordance with Art. 118 of the Constitution, Municipalities have general administrative competences which are, as a result of the latest broader reform (legislative decree no. 267/2000), grouped into six so-called “fundamental fields of action”. These are: general administration (particularly the registry office and tax office), local police, schools, roadworks and local traffic, spatial planning and social services. In general, the local level can take on voluntary tasks next to the obligatory ones (as just listed above), i.e. in the cultural sector. The extent of the latter depends greatly on the financial capabilities and the political strategic orientation of each Municipality (see various articles in Engl et al. 2016 on the Autonomous Provinces Bolzano/Bozen-South Tyrol and Trento and on the *Land* Tyrol).

Their low financial power is one of the reasons why Municipalities in France often experience difficulties in achieving their tasks. France’s over 36,700 Municipalities constitute more than 40 per cent of the EU’s total Municipalities. The local level in France is one of the most important counterweights to the national administrative and government level. For quite some time, it has been subject to reform attempts. Recently, municipal associations have been introduced, among other things, with the intention of standardising practice-based inter-municipal cooperation structures (Seidendorf 2016).

Slovenia is divided into 212 Municipalities, including eleven cities and, just as France, looks back on a long tradition of municipal self-administration. There is no further administrative level between the local level and the State, as also stated in the first part of this study.

It has to be stressed that purely technical arguments are important but insufficient when it comes to answering questions on the extent to which Municipalities are barriers to or supporters of participatory democratic practices and the extent to which Municipalities endowed with more powers are de facto key players when it comes to *good practices* of participatory democracy. The following assessment of the data set (legal sources, secondary literature and primary data) in this study confirms the following assumptions:

- The successful realisation of participatory models of deliberative nature depends on the predominant political culture in the relevant community and not only on formal criteria.
- Formal participation models or at least clearly defined methodological participation frameworks do make a substantial contribution, first to increase a more regular implementation of participation processes and second to improve the understanding and experience of the effect of such processes by citizens.
- No correlation could be detected with regard to the size of a Municipality and the implementation of good practices of participatory democracy.
- Participatory practices that are open-ended, but result-oriented, work best when there is continuous interaction between the different phases of participation processes and when the rights and obligations of the involved stakeholders (administration, politicians and citizens) are clearly spelled out from the beginning.

2.4 DATA ANALYSIS

2.4.1 General statements on the Objectives of Participatory Processes

As mentioned above, the literature suggests instruments and methods of participatory democracy as a means of strengthening democratic resilience. It does so because of its potential to respond to deficits of other forms of democracy in political legitimation, civic education, political involvement, political efficiency, innovation and sustainability and political culture of togetherness. In Table 2 (see below), the authors have collected and clustered the objectives mentioned in key political science literature and in the surveys and interviews conducted with the state, regional and municipal representatives. The structure of the headings and the allocation of the concrete objectives cannot, however, be considered to be as static as the table suggests. Interactions between the objectives and mutual dependencies are self-evident.

Table 2: The objectives of participatory processes to strengthen democratic resilience from an institutional perspective and from the literature

	<p>Political involvement</p> <ul style="list-style-type: none"> Exerting influence Integrating public knowledge Collecting ideas Articulating issues Insight into needs and opinions Realisation of measures Identifying new approaches to problem solving Concretisation of the common good 		<p>Civic education</p> <ul style="list-style-type: none"> Awakening interest Promoting civic competences Conveying democratic principles Strengthening democratic principles Improving democratic consciousness Understanding of political processes Strengthening independent action Strengthening civic society Promoting critical thinking
	<p>Political legitimation</p> <ul style="list-style-type: none"> Transparency Information flow Improved democratic feedback Regaining and promoting trust in politics Greater acceptance among the public Counteracting political disenchantment Answers to political discontent Resolution of democratic challenges 		<p>Political culture of togetherness</p> <ul style="list-style-type: none"> Reasons for and against options for action/discussion Common decision-making Making contrary opinions compatible Communication & mediation Balancing dominant, organised interests Consideration of interests / finding consensus Joint solution of problems Strengthening of culture of recognition Dividing power and willingness to make compromises Integration of interest groups Bringing together decision-makers and interested parties
	<p>Political efficiency/innovation/sustainability</p> <ul style="list-style-type: none"> Innovative capability Improvement of public services/ more efficient procedures Improvement of the basis for administrative decisions Shared support of decisions Modernisation of administrative structures Meaningful policies Early recognition of obstacles Improved communication Revitalisation of local/regional communities Maintenance & recovery of political scopes of action Mutual, intergenerational planning of the future Improvement of quality of life Administration of common goods 		

Both the statements from the state and regional officials and those of the municipal representatives amply reflect these main objectives. Overall, the officials of the regional level have named objectives that fall under each of the five headings. However, they often named the collection of the needs and issues of citizens and insights into the resulting opinions (political involvement) as the primary objective of participatory processes, followed by the creation of a political culture of togetherness and the improvement of political efficiency/innovation/sustainability. Objectives that have been allocated to the meta-levels of political legitimation and civic education have been named less frequently.

The results of the interviews with the Municipalities are more differentiated with regard to these points. While the prevalent aim stated is also political involvement, by bringing decision-makers and interested parties together, collecting ideas and articulating issues (for example in Celle Ligure, Vienna, or in the many projects aiming at the creation of municipal long-term strategies, such as the perennial process for development “Vision La Chaux-de-Fonds 2030” that took place in various stages with the involvement of several hundreds of people); the other objectives collected in Table 2 are also named more frequently. Some Municipalities put the focus on political efficiency, innovation and sustainability, particularly through the improvement of public services, more efficient procedures and the improvement of the basis of administrative decisions (i.e. Ajdovščina, Genoa, Erlangen), or through the joint elaboration of future development plans (i.e. La Chaux-de-Fonds, Herisau, Munderfing). The objectives of strengthening the common welfare and the culture of cooperation can also play a major role (i.e. Ponte nelle Alpi). Other interviewees mention the objective of *civic education* first, by referring to the strengthening of democratic principles and projects aimed at the better understanding of political processes (i.e. Échirolles, Dornbirn), while some Municipalities point out the importance of political legitimation through transparency and the promotion of trust in politics (i.e. Maribor, Heidelberg, Mals/Malles). The increased acceptance of decisions by citizens through participatory processes is mentioned frequently as an objective (i.e. Mals/Malles, Trento, Weyarn). Furthermore, the interviewees mention deliberative methods’ potential for integrating controversial opinions and constructive criticism (i.e. Zell am Ziller).

Some trends in the answers by Swiss interviewees should be pointed out. Within the Swiss direct democratic system, the interviewed Canton officials placed great emphasis on the influence of citizens on the decision-making processes (exerting influence) with regard to the objectives of participatory processes. Furthermore, Canton officials also named, as the only Alpine State, the fulfilment of legal requirements as a primary objective of participatory processes. In Swiss Municipalities, increased acceptance of decisions among citizens is often mentioned but mainly in connection with the mediation of contrary opinions, the formation of consensus and the avoidance of conflict (i.e. Teufen, Altdorf, Bern, Köniz), where such processes can complement those of direct democracy.

From a democratic theory perspective, this mirrors the attempts of increased linkages between instruments of deliberative and direct democracy. It raises the question of how direct democratic procedures can be preceded by an institutionalised, compulsory deliberative process that takes into account the interests of all parties involved. The method of *public discussion* (*Volksdiskussion*) can be mentioned as an example. Appenzell Ausserrhoden is the only Swiss Canton that lists the instrument of *public discussion* in its constitution (Art. 56 Constitution of Appenzell Ausserrhoden, 30 April 1995). In contrast to other instruments of political participation, which are reserved to those entitled to vote, the public discussion is open to everyone who resides in the Canton. According to Art. 16 of Herisau’s municipal by-law, “the municipal council can put important submissions that are to be presented as optional or obligatory referenda up for public discussion. Anyone who lives in Herisau can submit written proposals as part of the public discussion. If the local council decides to hold a public discussion, it will hold a second reading of the issue afterwards.” Currently, there is no ongoing public discussion. It could also be considered that the implementation of direct democratic instruments be disregarded if consensus is reached on the issue during the deliberative participatory phase. In some contexts, direct democratic instruments could serve as a guarantee for observing the results of deliberative procedures.

The statements on the aim of citizen participation processes already allow us to conclude that it is difficult to delineate the practical meaning of citizen participation in the Alpine Space. The statements once again show, as mentioned in the introduction to this report, that the collective term participatory democracy is defined and used differently within the Alpine States. First because of the differences in legal and political systems, second because there is no generally accepted academic definition of participatory democracy in the Alpine Space, an area that nonetheless displays common historico-spatial and socio-political characteristics.

The definition proposed by the project partners has to be kept in mind while reading this report. It states that participatory democracy is based on a consensus-oriented discussion that aims at the creation of ideas with regard to decision-making processes. Moreover, it points out the role of citizens as co-creators but leaves the ultimate responsibility for the decision-making processes with the organs of representative democracy. This definition is mostly compliant with the definitions arising from the municipal interviews. Some Municipalities in representative-democratic systems underline the importance of maintaining final decision-makers (i.e. Wolkersdorf, Moosburg), also in order to differentiate themselves from methods of direct democracy. In direct democratic Switzerland, deliberative processes are also described as informal involvement of citizens that goes beyond the legally determined participation (i.e. Bern, Herisau, La Chaux-de-Fonds). Furthermore, some of the Swiss practitioners at the cantonal level have stated that the

question of participatory methods does not or does only partially fit the Swiss context because of its long established system of direct democracy and the fact that many terms of political culture have different connotations. Some of these practitioners (four in total: Bern, Ticino, as well as Wallis and Vaud) point out that the strongly implemented and constitutionally required instruments of direct democracy already contain participatory elements in any case. In the Swiss context, “new ways and forms of citizen participation“ is therefore often used to describes processes of participatory democracy.

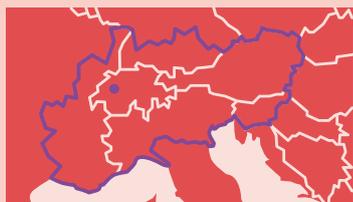
The overview of relevant legal sources, statutes for citizen participation and guidelines for citizen participation confirm the statements that were made. The following information boxes, in random order, are examples of citizen participation practices that can be considered good practices in the Alpine Region. They illustrate core statements and elements with regard to the aims of citizen participation processes. As already emphasised above, it is, however, impossible to assess the readiness of a Municipality to regularly implement participatory practices by only considering the presence of participation statutes and guidelines. In most cases, they give positive impulses for it but are no pre-conditions *sine qua non* for good practices.

INFOBOX 1

THE PARTICIPATION MODEL OF THE CITY OF BERN (SEE FACTSHEET ON MOBILITY)

The guidelines “*Mitreden & Mitgestalten*“ (voice your opinion and participate) of the City of Bern (May 2016) on participatory processes are intended for members of the city administration. They emphasise that the “involvement of the affected interest groups in municipal projects is an important factor for the successful sustainable development of the city“. In this way the “needs of the affected residents and companies, institutions and organisations should be met as early as possible“, in order to respond more effectively to the challenges.

The municipal council formulated three guiding principles to enhance the participation culture of the city of Bern: (1) “providing active, consistent and transparent information on local projects and initiatives“; (2) “active integration of the affected persons from the beginning ... whenever this is possible and reasonable“; (3) “The city administration exemplifies this participatory approach in its internal cooperation and aims for inter-directional, joint solutions“; an aspect that must be highlighted. The statements in the guidelines illustrate that the City of Bern is quite aware of what constitutes deliberative participatory processes. The presentation shows that participation only takes place “if the information stage“ has been overcome. Accordingly, it is only when consultation starts (consultation, interviews) that participation begins and – ideally – affected people can help in the development of projects through cooperation (workshops, round tables), whereby the decision-making authority remains responsible for the final decision. Another interesting partial aspect in the analysis of the “Bern participation model“ is the fact that Bern orients itself towards experiences from Vienna.



INFOBOX 2

THE CITIZEN PARTICIPATION CHARTER IN ÉCHIROLLES

The preamble to the charter lists the different aims of citizen participation in detail and emphasises the rights, obligations and responsibilities held by politicians, the administration and citizens. It names the core terms shown in Table 2 and explicitly connects them to the Municipality in its function as a customer-oriented service provider that in times of scarce financial resources and territorial reforms (metropolitan cities, municipal associations) is subjected to a continuous stress test in its organisation and efficiency. The charter emphasises that participation must be undertaken in all fields of action and that it serves, amongst other things, to fight discrimination and to encourage independent, emancipated action. According to the charter, the highest aim of citizen participation is to foster solidary thinking and solidary action and to strengthen social cohesion through the inclusion of weaker segments of the population (Art. 4). In Art. 8, it explicitly states that participation processes must be realised gradually or for each separate district in order to implement participation in a demand-oriented manner.



INFOBOX 3

INNOVATIVE CITIZEN PARTICIPATION IN THE MUNICIPALITY OF MALS/MALLES (SEE FACTSHEET ON PUBLIC EXPENDITURES)



The statute of the Municipality of (*Marktgemeinde*) Mals/Malles, authorised in municipal council resolution no. 11 of 29.03.2016, sees the added value of citizen participation in Art. 31 both “with regard to the protection of the citizens’ rights” and also “regarding the purposes of good administration in the sense of a durable relationship with the citizens that guides the local administration in organisational matters”.

It also emphasises that “regardless of the special regulations on the exercise of civil and political rights [...] the rights to citizens’ participation [...] are held by all citizens, not only the permanent residents, if they reside in the area of the Municipality for work, study or service purposes”. Next to instruments of direct democracy, the obligation to inform and the right to access files (principles that every municipal code in South Tyrol lists in one way or another), the statute focuses on two deliberative instruments: (1) the citizens’ assembly (Art. 38), that can be initiated by the Municipality as well as by a request of the citizens. (2) Innovative forms of citizens’ participation (Art. 39). Among other things, the Municipality establishes a citizens’ forum where interested citizens may informally propose suggestions and voice opinions. The Statute also requires the municipal council to make use of the instrument of participatory budgeting when developing the proposed budget and when establishing priorities. The instrument of ‘participatory budgeting’ is defined as follows: “With this participatory procedure the municipal administration promotes transparency and a sense of shared responsibility, both in the area of spending and in the area of possible savings. Realisation is regulated with its own municipal code.”

INFOBOX 4

COOPERATION PACTS BETWEEN THE CITY OF TRENTO AND THE CITY OF GENOA

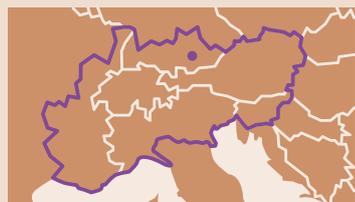


The statute of the Municipality of Trento does not specify the aim of innovative citizen participation processes but emphasises in Art. 15 that one of the municipal administration’s objectives must be the initiation of suitable participation processes. A resolution regulates the organisation of this kind of processes, which are accompanied by working groups or agents within the provincial administration. Citizens’ participation must comply with the general principles contained in the municipal regulation on common goods (*Regolamento sulla collaborazione tra cittadini ed amministrazione per la cura e la rigenerazione dei beni comuni urbani*, 18.03.2015 no. 54), which include: mutual respect, transparency, individual responsibility, openness and inclusivity, sustainability (Art. 3). The concept of cooperation agreements between citizens and the administration is particularly important, especially with regard to the administration of common goods. In general, it should be noted that many innovative processes have been tried out and executed both in the City of Trento and in the entire area of the Autonomous Province of Trento (a provincial office for participation at local and regional level has been established since December 2016, against the background of a comprehensive reform of the municipal level, *autorità per la partecipazione locale*), both with regard to the administration and also in the co-decision process of elaborating provincial laws. The same applies to the Autonomous Province of Bolzano/Bozen-South Tyrol.

The municipal regulation on the cooperation pacts between citizens of the City of Genoa (*Regolamento sulla collaborazione tra cittadini e amministrazione per la cura, la rigenerazione e la gestione in forma condivisa dei beni comuni urbani*, 25.10.2016, no. 51) is, much like that of the City of Trento, an expression of the subsidiarity principle. In concrete terms, horizontal subsidiarity concerns the relationship between the State and citizens: everything that citizens can organise in independent initiatives should not be administered publicly. The municipal regulation lists similar aims to those of the respective resolution in Trento and is oriented towards creating and developing a culture of cooperation – with regard to the administration of common goods and in the sense of common welfare.

INFOBOX 5

THE TWO-PILLAR DECISION-MAKING PRINCIPLE OF THE MUNICIPALITY OF WEYARN (SEE FACTSHEET ON ENVIRONMENT)



Weyarn's path to today's culture of participation on the basis of the "two-pillar decision-making principle" (traditional representative and supplementary participatory decision-making) began in the early 1990s. Six cornerstones lay the foundation to its evolution: (1) will; (2) patience; (3) taking co-determination seriously; (4) constant information (on this point, we should emphasise that Weyarn explicitly states that this is not only an obligation to deliver but also an obligation to collect).

The fact that citizens do not always accept what is on offer does not release politics from its obligation to provide information; (5) the rights and obligations of the community and all stakeholders; (6) coordination centre (full-time support). For further information on the citizens' participation model in Weyarn see Figure 1 on page 50.

2.4.2 Statements on the Beginnings of Citizen Participation

The statements of the interviewees show that the reasons that have led to the initiation of the first participation processes in successfully consulting Municipalities are of varied nature.

Almost all Municipalities have stated that the will of the elected political representatives to involve citizens in decision-making processes in order to achieve better results is an essential element in the initiation of participatory processes. In some cases, the first processes resulted from municipal elections in which enhanced involvement of citizens and increased dialogue with politicians also represented an electoral topic (i.e. Erlangen and Filderstadt). In other Municipalities it was political disagreement, rifts in the population or local, regional and supra-regional crises that moved politicians to enhance citizens' involvement. In the Municipality of Wies, citizen participation was an opportunity to overcome the lack of a majority in the municipal council. The City of Heidelberg decided that it was necessary to increase the dialogue with citizens after two referenda, the outcome of which was contrary to the will of the city council and the administration. In Hohenweiler, the reduction of funds deriving from the financial equalisation caused by the financial crisis played a key role in the introduction of participatory processes. In Maribor, Ponte nelle Alpi and Lausanne citizens themselves demanded the initiation of participatory processes, in the cases of Maribor and Lausanne even after protests and civil unrest. Participation projects can also be pre-emptive and initiated from the need to prevent problems such as population migration (i.e. Leogang) or to do justice to the modern, progressive self-image of the city (i.e. Wolkersdorf).

In other cases exchanges with administrators on the regional and local level or with urban development experts move political decision-makers to initiate participatory democratic processes in their local community. In the Municipality of Zell am Ziller the exchange with the administrative representatives of urban renewal and of the Local Agenda 21 office led to the introduction of the first participation processes. The Local Agenda 21 appears to play an important role for participatory processes in Austria in general. Seven of the ten interviewed Austrian Municipalities named projects that took place within this framework. Agenda 21 processes also took place in the French Municipalities of Ville Mouans-Sartoux and Ville d'Échirolles and in the Italian Municipality of Celle Ligure. Even private initiatives can stimulate citizen participation at local level, for example, the *Dorfbild Herisau* foundation that provides financial support for projects, or recommendations by individuals to carry out participatory processes, such as in the case of La Chaude-Fonds and Mouans-Sartoux.

INFOBOX 6

LOCAL AGENDA 21



Measures of the Local Agenda 21 aim to encourage sustainable governance in Municipalities. The model for this municipal format is the United Nations action programme Agenda 21, adopted in 1992 by the then 178 member states. In chapter 28 of Agenda 21, Municipalities in the signatory States are called upon to realise sustainable action under the Local Agenda 21. “Because so many of the problems and solutions being addressed by Agenda 21 have their roots in local activities, the participation and cooperation of local authorities will be a determining factor in fulfilling its objectives. [...] As the level of governance closest to the people, they play a vital role in educating, mobilizing and responding to the public to promote sustainable development. [...] By 1996, most local authorities in each country should have undertaken a consultative process with their populations and achieved a consensus on “a local Agenda 21” for the community” (Extract from Chapter 28 of Agenda 21).

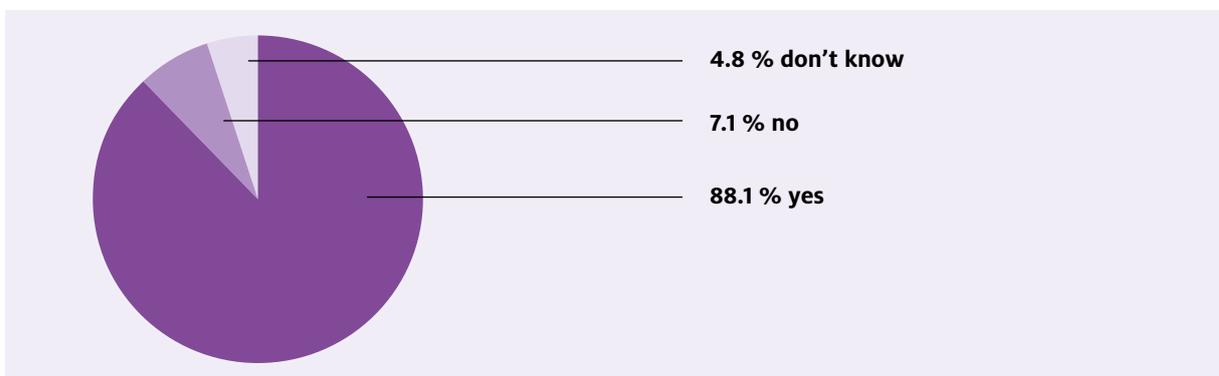
In the beginning, local, regional and supra-regional tendered municipal development projects or competitions associated with incentive funds often provide a good opportunity to overcome the financial hurdles of the initial processes. Examples here are the *Zukunftsstadt* (future city) competition in Germany or once again the Local Agenda 21 in Austria.

The opinions of Municipalities that remarked upon the possibility of a greater legal foundation of participatory processes differ remarkably. While some Municipalities emphasise the importance of the institutionally voluntary nature of deliberative participatory processes (i.e. Moosburg, Leogang), others claim the opposite (i.e. Genoa, Celle Ligure). Others do not see this as a direct recipe for success but consider it to have the potential to lead Municipalities that are sceptical about participation to their initial experiences with participatory democracy (i.e. Erlangen, Dornbirn), while yet others propose a weakened version in the form of standardised recommendations for possible participation processes (i.e. Filderstadt).

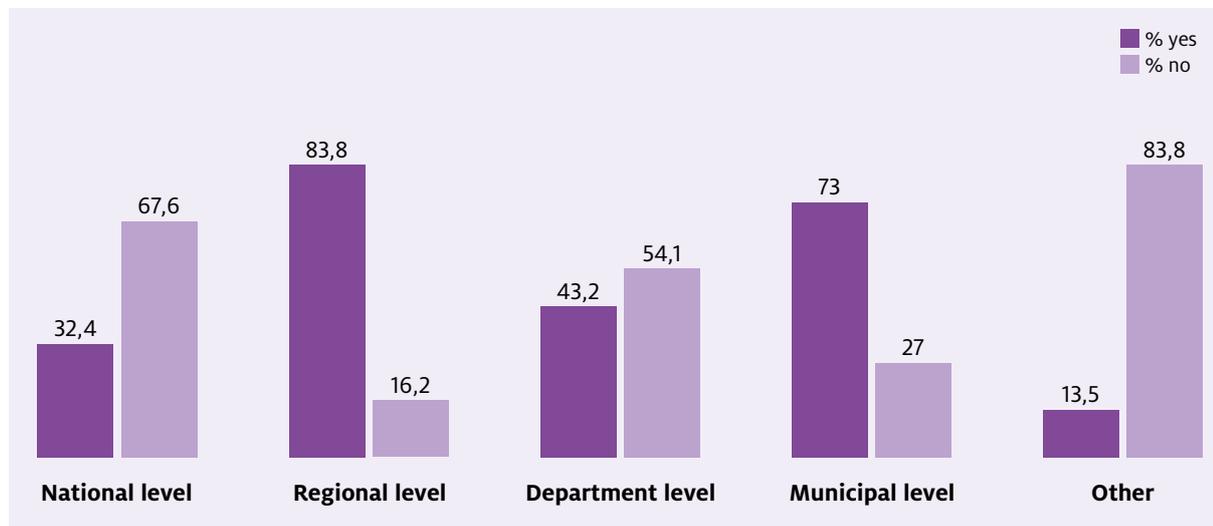
Thus, while the beginnings of citizen participation often rest on very pragmatic and functional reasons, the interviewees are of the opinion that the positive experiences gained from these processes and their subsequent projects have been crucial for the development of a culture of participation. In many cases these beginnings go several decades back (i.e. Weyarn) and deliberative participatory processes have developed into a matter of course for both politicians and the administrations as well as for citizens (i.e. Wies).

A total of 88.1% of the surveyed state and regional officials stated that citizen participation processes had taken place in the last five years (Graph 1). Moreover, 73% stated that processes had also taken place at municipal level (Graph 2).

Graph 1: Have participatory processes taken place in your Land/Canton/Region/State in the last five years?



Graph 2: At which governmental level did this participatory experience take place?



INFOBOX 7

THE BEGINNINGS OF CITIZEN PARTICIPATION, WEYARN CASE STUDY

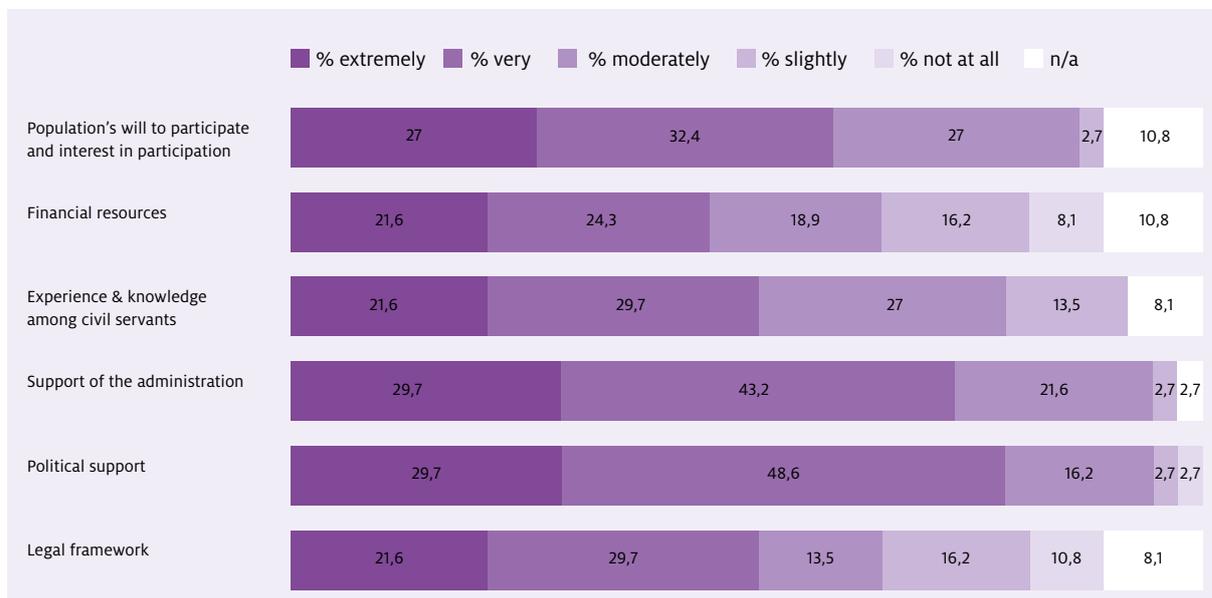


The Weyarn case study requires particular emphasis, as it shows that sustainable citizen participation can only function if the long-term objective is to instil it into the municipalities’ political culture across legislative periods. The first citizen participation statute in Germany was adopted in Weyarn in 2008. The municipal council unanimously supported the statute and consolidated its importance for politics and the administration in Weyarn, by resolving that only a two-thirds majority can modify it. Among the numerous core elements of the citizen participation statute, dated 04.07.2013 (based on Art. 23 of the municipal code for the Free State of Bavaria that gives Municipalities the right to enact statutes), the statute discusses in detail the obligations of the Municipality to carry out participation formats (for further information, see figure 1 in this study). Further emphasis should be given to the fact that the players in participation processes in Weyarn (the so-called working groups) are given budgeting powers. A lack of financial resources has often been identified as the reason for the non-implementation of participatory processes, or for the citizens’ perception that participation statutes and/or guidelines are a “farce”.

2.4.3 Statements on the Phase Preceding the Actual Citizen Participation

According to the interviews, the serious political will to involve citizens and to seriously consider the results from this involvement afterwards is the most important factor upon which participation processes are based. As already mentioned above, many of the interviewees highlighted the importance of the ownership of the decision-making function by elected political representatives. Participatory democracy does not seem to be possible without the institutions’ will and represents the basic prerequisite for procedure’s success.

Graph 3: How much do the following framework conditions promote the realisation of participatory processes?



As shown in Graph 3, this also coincides with the assessment of the regional and state representatives, in which 78.3% of the interviewees rated the influence of political support on the realisation of participatory processes as strong or very strong and considered it the most crucial framework condition. This also seems to apply in direct democratic Switzerland, where 70.6% of the interviewees assess political support as a strong to very strong factor. The factor “serious political will/political support” must therefore be seen as a fundamental condition in the following explanations.

It becomes more and more common for Municipalities to create their own participation guidelines with details regarding the procedures for citizen participation processes and that in some cases even bind politicians and administrations. As shown by a few examples, such as Heidelberg and Erlangen, citizens can be involved as early as the development phase of the guidelines.

INFOBOX 8

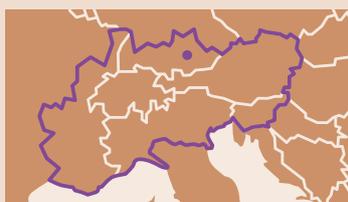
CHARTRE DE LA PARTICIPATION CITOYENNE À ÉCHIROLLES



The guidelines for participatory democracy were first elaborated in 2004-2005 by the municipal council together with the citizens. Citizens were again involved in the review of the participation charter (2011). There are current moves to review the charter once more using citizen participation processes.

INFOBOX 9

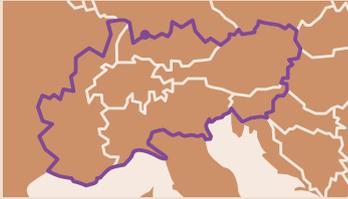
GOOD PARTICIPATION IN ERLANGEN



As part of the *Zukunftsstadt* competition, representatives of the citizens, politicians, organised civil society and the administration developed the “Good citizen participation in Erlangen” guidelines in an all-day workshop. The guidelines detail various prerequisites for successful participation formats and provide comprehensive information on instruments, methods and limitations of participation formats at municipal level on different subjects.

INFOBOX 10

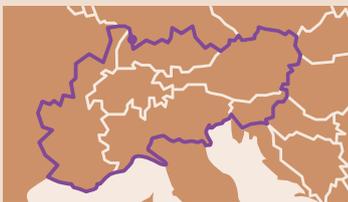
THE FILDERSTADT WAY



The rules for citizen participation in Filderstadt highlight the rights and obligations of all actors involved in a citizen participation process in its various phases (dialogue phase, documentation, feedback phase). They clarify that the initiative for participation processes can start from both citizens and the Municipality, although in either case the municipal council has to decide on it. Due to the fact that participation processes involve various administrative departments, the internal administration and cross-functional working group “Interest Group for Civic Involvement” (IGBE) has met twice a year since 2004 and provides support for participation procedures in the phases of preparation, implementation as well as in the elaboration of the resolution (details with regard to the schedule, personnel, property and financial resources, etc.).

INFOBOX 11

GUIDELINES FOR CITIZEN PARTICIPATION IN THE CITY OF HEIDELBERG



The “Working Group for Citizen Participation Guidelines” comprising representatives of the population, the local council and the administrations elaborated the guidelines that were submitted to the Mayor and adopted unanimously by the municipal council on 25.07.2012. On the same day, the municipal council of Heidelberg also adopted the statute on procedural regulations for projects in the area of responsibility of the local council, and the administrative regulations for citizen participation for projects in the area of responsibility of the Mayor. The guidelines and statutes refer in detail to the aims and procedures of citizen participation procedures, which can also be initiated by citizens [Art. 4(2)c of the statute on procedural regulations for projects in the area of responsibility of the municipal council]. The guidelines stress that each process comprises a dialogue (reliably regulated cooperation between residents, local councillors and the administration). The guidelines provide detailed information on the organisation of the procedure, methodological approaches to and implementation of participation processes and refer to the costs, obligations stemming from the results and importance of the permanent coordination office. In their attachments, they furthermore illustrate examples of the varied tasks of the main stakeholders (administration, public, politicians) in all phases of the participation processes – planning, implementation and follow-up – (see the standard scheme for the combination of planning, implementation and follow-up) and they explain various methods of citizen participation in the “instrument toolbox” (appendix 3).

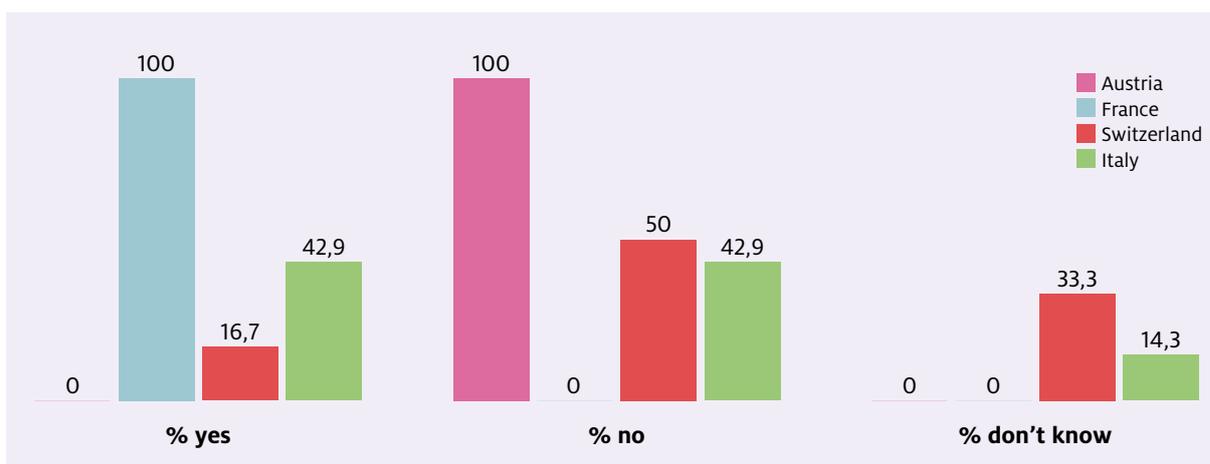
Before citizens are concretely involved, the interviewees consider it as essential to fine tune the individual projects with the administration and to clearly define the framework of participation (keyword participation guidelines/rules, see infoboxes). This includes aspects of the type of participation, the people to be involved and the exact extent of co-determination, among others. The interviewees did not believe that a universal solution exists. Ultimately, each Municipality needs to identify the type of participation which can function well in its local context (i.e. Moosburg, Weyarn, Lausanne). For many Municipalities, successful citizen participation is then a learning-by-doing process (i.e. Heidelberg, Mals/Malles, Altdorf, Trento). However, this does not mean that they should not refer to the expertise of other Municipalities or supra-regional networks.

The trends exposed by the existence of agencies, offices or departments on a regional level in Graph 4 and 5 are mainly confirmed by the Municipality interviews. Thus, the majority of Austrian Municipalities stated that they feel very well supported by their regional offices, that they can look to them for expertise and that cooperation functions. In contrast, the Italian interviewees claim that they cannot rely on regional specialist structures for initiatives and expertise (Trento is the only exception).

Graph 4: Are there offices or departments that deal with participatory democracy on a regional administrative level?



Graph 5: If not, would it be useful to establish such an office?



INFOBOX 12: PARTICIPATION NETWORKS AND DATABASES

Participedia <http://www.participedia.net/>

List of handbooks and guidelines of participatory democracy http://www.partizipation.at/handbuecher_leitfaeden.html

ALDA - European Association for Local Democracy <http://www.alda-europe.eu/newSite/>

Partizipation & nachhaltige Entwicklung in Europa <http://www.partizipation.at/home.html>

Austria

Ministerium für ein lebenswertes Österreich - Lokale Agenda 21 http://www.bmlfuw.gv.at/umwelt/nachhaltigkeit/lokale_agenda_21.html

nachhaltigkeit.at <http://www.nachhaltigkeit.at/>

mitbestimmung.cc <http://mitbestimmungtirol.blogspot.it/>

Zukunftsorte <http://www.zukunftsorte.at/>

Raumordnung und Regionalpolitik in Niederösterreich - Bürgerbeteiligungs-Assistent	http://www.raumordnung-noe.at/index.php?id=352&no_cache=1
France	
démocratie & participation	http://www.participation-et-democratie.fr/fr/content/accueil
cités territoires gouvernance	http://www.citego.org/index_en.html
Germany	
Netzwerk Bürgerbeteiligung	http://www.netzwerk-buergerbeteiligung.de/
Netzwerk kommunale Partizipationsbeauftragte	http://www.netzwerk-buergerbeteiligung.de/kommunale-beteiligungspolitik-gestalten/beteiligungsorientierte-verwaltung/netzwerk-kommunale-partizipationsbeauftragte/
Stiftung Mitarbeit	http://www.mitarbeit.de/
Wegweiser Bürgergesellschaft	http://www.buergergesellschaft.de/
BertelsmannStiftung - Bürgerbeteiligung	http://www.bertelsmann-stiftung.de/de/themen/demokratie-gestalten/buergerbeteiligung/
Bundesverband für Wohnen und Stadtentwicklung e.V.	https://www.vhw.de/
Politik.de Das Beteiligungsportal	https://www.politik.de/politikde/de/home
Nachhaltige Bürgerkommune	http://nachhaltige-buergerkommune.de/hp1/Startseite.htm
Bundeszentrale für politische Bildung	http://www.bpb.de/
Allianz für Beteiligung	http://allianz-fuer-beteiligung.de/aktuelles/
Italy	
Laboratorio della Sussidiarietà	http://www.labsus.org/
Astrid	http://www.astrid-online.it/democrazia-istituzioni/forme-e-st/index.html#
Cittadini Attivi	http://www.cittadiniattivi.it/finalita.asp
Partecipazione	http://partecipazione.formez.it/
Südtiroler Bildungszentrum - Netzwerk Partizipation	http://www.sbz.it/netzwerk-partizipation/
Biblioteca della Assemblée legislativa della Regione Emilia-Romagna - Democrazia partecipativa	http://www.assemblea.emr.it/biblioteca/servizi-documentazione/bibliografie-tematiche/societa/teoria-politica/democrazia-partecipativa
Liechtenstein	
Symbiose Gemeinschaft	http://www.symbiose.li/wpsymbiose/
Slovenia	
Inštitut za elektronsko participacijo	http://www.inepa.si/index.php
Umanotera	https://www.umanotera.org/
Switzerland	
Schweizerischer Gemeindeverband	http://www.chgemeinden.ch/de/index.php
in comune	http://www.in-comune.ch/in-comune/
Netzwerk Altstadt	http://netzwerk-altstadt.ch/Netzwerk_Altstadt/Netzwerk_Altstadt.html

2.4.4 Statements on Initial Information and Contact with Citizens

The Municipalities choose very different approaches to information about and invitations to participation processes, which substantially depend on the chosen participation method or instrument. One information path, which was praised in several interviews is the project list based on the Heidelberg model.⁶ In such a list, Municipalities collect the projects that fall into their area of influence and then provide information on whether they will take place with or without citizen participation.

The more traditional information paths of mail and posting on a Municipality notice board are also named, as is information via official websites or social media channels and even personal conversation. According to statements by some Municipalities these paths are sufficient, either because they believe they can gain a balanced image of society in this way or because they are of the opinion that participation should be voluntary and that the “people who come are the right people” (according to the Open Space Format; Owen 2008). The experience of other Municipalities has shown them that they do not reach all social groups using these information paths. The planned participation procedure would therefore not provide a representative image of society. A participation method that attempts to avoid this risk is the citizens’ council (*Bürgerrat*), which took place, for example, in Steinberg am Rofan and which the Austrian *Land* Vorarlberg defines in a norm. For this method, citizens are selected randomly and invited to take part in a time-specific discussion format.

INFOBOX 13

VORARLBERG CITIZENS’ COUNCIL



Art. 1 para. 4 of the Vorarlberg state constitution refers to forms of direct democracy (referenda, plebiscites and opinion polls) and to other forms of participatory democracy, the latter meaning the citizens’ council. Citizens’ councils are based on the principle of open dialogue. They are not directly oriented towards the establishment of norms but are intended to involve a wide range of arguments and ideas for establishing such norms that would not have been identified without holding a citizens’ council (generally 12-16 persons, selected randomly, who discuss an issue or situation for 1.5 days).

The guidelines of the Vorarlberg regional government for establishing and holding citizens’ councils define the aims, procedure and effect of a citizens’ council in detail. A citizens’ council can also be established through the collection of signatures from 1,000 citizens. The Vorarlberg office, responsible for questions concerning the future (*Büro für Zukunftsfragen*), plays a key role in organising citizens’ councils and acts as a main focal point.

Filderstadt, with the support of the *vhw – Bundesverband für Wohnen und Stadtentwicklung e.V.* (federal association for housing and urban development) uses a selection process based on social background⁷ that is designed to ensure the social representativeness of the process results. Other municipalities propose the involvement of multipliers and interest groups in order to approach stakeholders that are otherwise difficult to reach (i.e. Heidelberg, La Chaux-de-fonds, Bern).

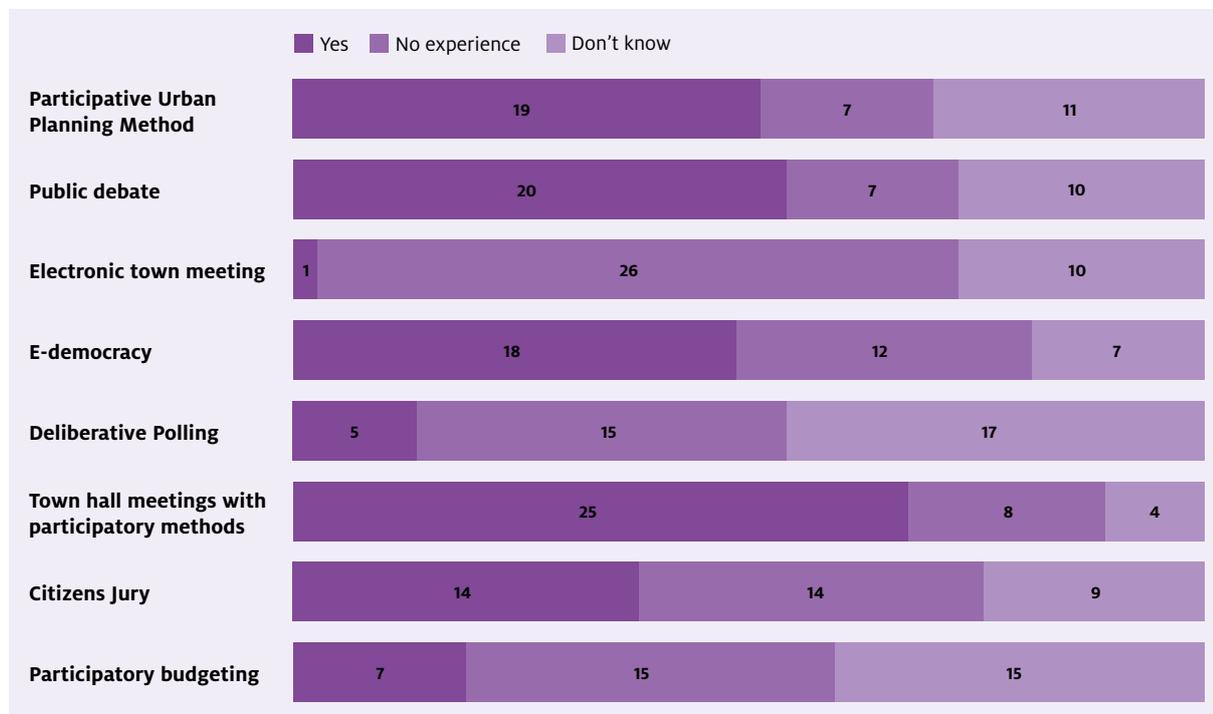
2.4.5 Statements on the Process Procedures and Implementation of the Results

As already mentioned, the interviews with the Municipalities show that successful citizen participation is context-related and can be organised in many ways. However, the majority of Municipalities also state that it is crucial for the citizens to be aware of the extent of their potential influence in order to ensure the sustainable success of citizen. Furthermore, the processes should offer realistic possibilities of implementation and have to be communicated transparently by politicians and the administration throughout the entire process.

6 See: <http://ww2.heidelberg.de/vorhabenliste/#>

7 See: Sinus Milieus, <https://www.vhw.de/forschung-und-politik/gesellschaftliche-vielfalt-und-kohaesion/milieus-in-der-stadtentwicklung/>

Graph 6: Application of participatory-democratic instruments in the sub-national units⁸ in the last five years

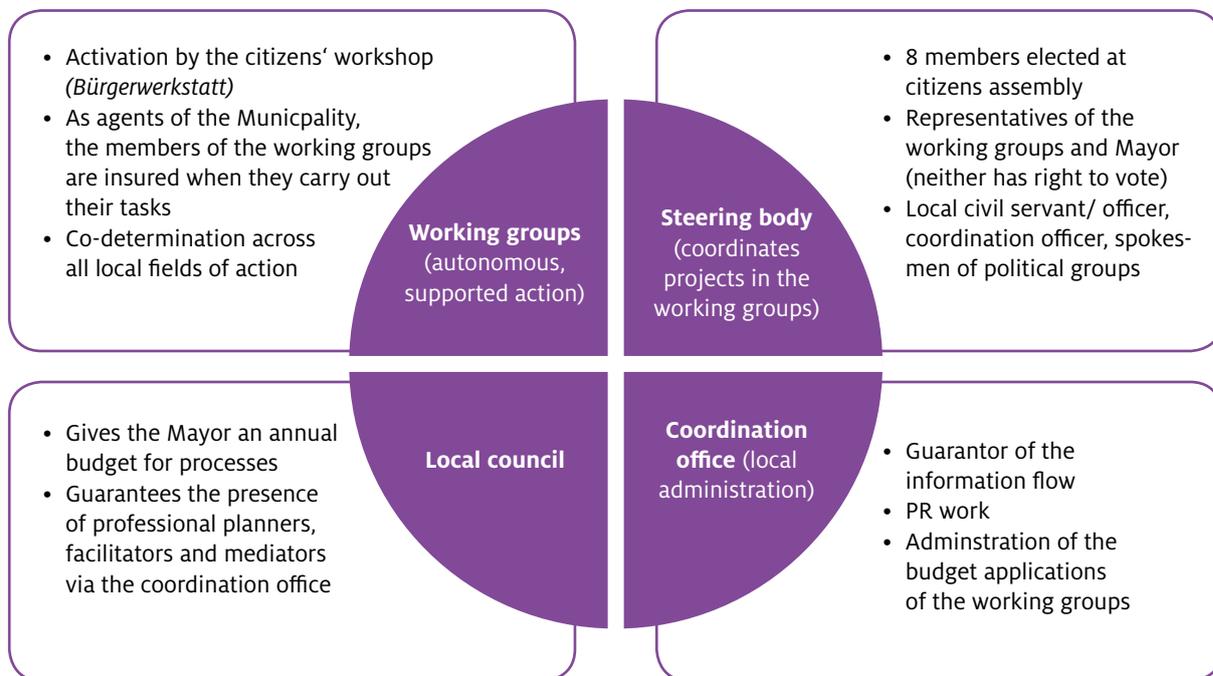


Neither the answers of the state and regional officials through the questionnaires nor those of the Municipalities provide a clear inference of the specific suitability of a general policy field for participation processes. It was noted that many processes are either directed towards more than one policy field or cover only small sub-sections. The framework of the individual project seems to play a larger role for many people than the policy field in which it takes place. Individual projects that were completed successfully in many of the interviewed Municipalities and particularly often in Austria are participation procedures which aimed at the creation of municipal guiding principles or future profiles (i.e. Leogang, Munderfing, Moosburg) and concrete village and cityscape design projects, such as the inclusion of families and children in the design of playgrounds (i.e. Moosburg, Erlangen, Filderstadt).

Specifically developed methods of participatory democracy can promote successful deliberative participation and are in use, according to the information provided in the questionnaires (see Graph 6). However, successful citizen participation is not limited to them alone. The working groups (*Arbeitskreise*) in the Municipality of Weyarn provide a good example as they combine various aspects of participation and in parts even go beyond pure deliberation. They receive, for example, an annual budget that can be spend on smaller projects. The working groups are the pivotal point of the Weyarn “Two-pillar decision-making principle” (traditional representative decision-making, supplemented by participatory decision-making).

⁸ The values indicate how often the respective option was selected in the questionnaire.

Figure 1: Illustration of the Weyarn citizen participation model, own representation



2.4.6 Statements on the Participants

As already mentioned, the Municipalities rate the importance of the social representativeness of the participants in the processes differently. In Municipalities, where the interviewees perceive an increased participation of certain groups of the population, there are clear trends. If it is a process open to the entire population, the participants are mainly those that already play an active role in other sectors of the local community ("people who always participate"). They are often those who are active members of associations, people in the 40-60 year age group, senior citizens or members who can be situated in the socio-ecological environment (i.e. Wolkersdorf, Ajdovščina, Teufen, Filderstadt, Wies). Some Municipalities have also observed that oftentimes the majority of participants in deliberative processes are women (i.e. Vienna, Hohenweiler, Wolkersdorf).

Furthermore, participation depends significantly on the subject (i.e. Köniz, Bern, Weyarn). In addition to the people who "always participate", further people in many processes join if they are directly affected by the concrete project (i.e. Moosburg). However, this does not apply to all population groups. Migrants have been pointed out as a group who rarely participates even on topics that are of direct concern to them (i.e. Erlangen, Filderstadt, Heidelberg). Another underrepresented group seems to be that of young adults, which will be discussed in more detail in the next chapter. The Municipalities emphasise that these challenges should be anticipated during the initial stages of the processes in order, if desired, enhance mobilisation of these stakeholders through multipliers, representatives of interest groups or special invitations.

2.4.7 Statements on the Role of Politics and Administration

Some interviewees have particularly emphasised that political decision-makers as non-neutral persons should refrain from actively taking part in the discussion. Important tasks such as the facilitation of processes should be left to neutral, trained persons (i.e. La Chaux-de-Fonds, Celle Ligure, Trento, Vienna). However, external process supervision can represent a big financial hurdle for smaller Municipalities. The Municipality of Hohenweiler proposes the solution of a further institutionalisation of participation processes by preparing local administrators during their job through trainings on how to accompany participation processes.

INFOBOX 14

THE "LEARNING ADMINISTRATION" HEIDELBERG (SEE FACTSHEET ON URBAN REGENERATION)



In the city administration of Heidelberg, one working group tackled the question of what an ideal typical participation project would look like from the perspective of the administration. The result, a participatory procedure scheme, is considered as a tool for the implementation of single participation processes and can partially be adapted to specific needs. In the guidelines for cooperative citizen participation of Heidelberg, appendix 2 mentions that as a "learning administration" every citizen participation process provides more experience for continually optimising the participatory projects.

This also includes updating the scheme, itself. Besides the coordination office for citizen participation which the Mayor establishes within the administration, the statute on procedural regulation for projects in the areas of responsibility of the municipal council also includes the installation of project-related coordination advisory boards [Art. 6 (3)]. In this advisory board both citizens and administrators shall be represented and sample rules of procedure for project-related advisory boards are included as an appendix to the statute.

The interviewees also repeatedly emphasised that politically expedient misuse and consequent fake processes have to be avoided as this directly counteracts the aims of citizen participation to combat disenchantment with politics and politicians (i.e. Wies, Dornbirn, Leogang). The interviewees mostly localise the active role of politics as initiators of processes and final decision-makers. Thus, before the actual participation stage and, later, in the decision phase for or against the implementation of participation results (i.e. Trento, Celle Ligure, La Chaux-de-Fonds), but also as important listeners already during the processes (i.e. Vienna, Wies).

As shown by both the results of the questionnaires with regional and state officers and the evaluation of the municipality interviews, the role of the administration in participation processes is given great importance. 72.9% of the interviewed regional and state representatives ranked the framework condition support of the administration as a strong factor for realising participation processes and a narrow majority also experience and knowledge within the administration. However, Municipalities also point out the difficulties in this area, as local administrations seem to be rather critical towards deliberative participatory processes. The interviewees associate these processes with a great deal of extra work as well as skepticism regarding the expertise of citizens and the feasible realisation of the achieved results (i.e. Erlangen, Hohenweiler). It is therefore considered of particular importance to organise and coordinate project proposals of citizen participation always in close cooperation with the administration. Moreover, a change in the culture of participation should not only be achieved among citizens but also within the administration (i.e. Erlangen).

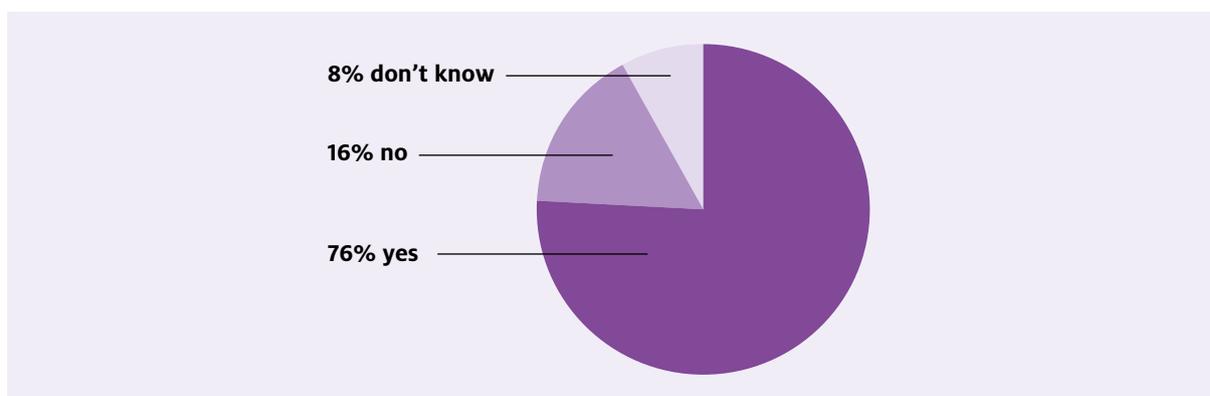
Thus, politicians and the administration play an essential role in the sustainable success of participatory processes. The interviewees especially highlight the feasibility of implementing results and on a transparent handling of the same. Expectation management seems to be of great importance here. Citizens must have a clear idea in advance of what their cooperation means/may mean. It is also important to communicate from the outset that the decision-making power of the political representatives is usually only supplemented by deliberative processes and not replaced by them. The interviewees mentioned that otherwise it can be frustrating for the citizens to hear that it is not possible to realise the results that they have worked hard on. This can, in turn, lead also to the fact that citizens will not take part in future participation processes (i.e. Herisau, Erlangen).

As already mentioned, the Municipalities named the following aspects as possible solutions to this challenge: Clearly defined participation frameworks (i.e. Ajdovščina, Maribor, Munderfing, Bern), smaller partial projects whose realisation is likely and achievable in a short term (keyword: avoidance of wish lists, Mals/Malles, Wolkersdorf, Köniz, Wies), the involvement of experts who can directly assess the practicability of the results (i.e. Heidelberg, Erlangen), as well as exchanges with political representatives on interim results in order to allow them to impose further conditions on the project results (i.e. Weyarn, Vienna). If the process results are still not feasible, transparency in deciding against the recommendation of the citizens and in general also a comprehensive communication of the decision are vital (i.e. Vienna, Leogang). Moreover, it was mentioned several times that the personal contact between politicians and citizens as well as the administration and citizens are still of great importance and that digital communication has not achieved the quality of personal exchanges (i.e. Dornbirn, Maribor).

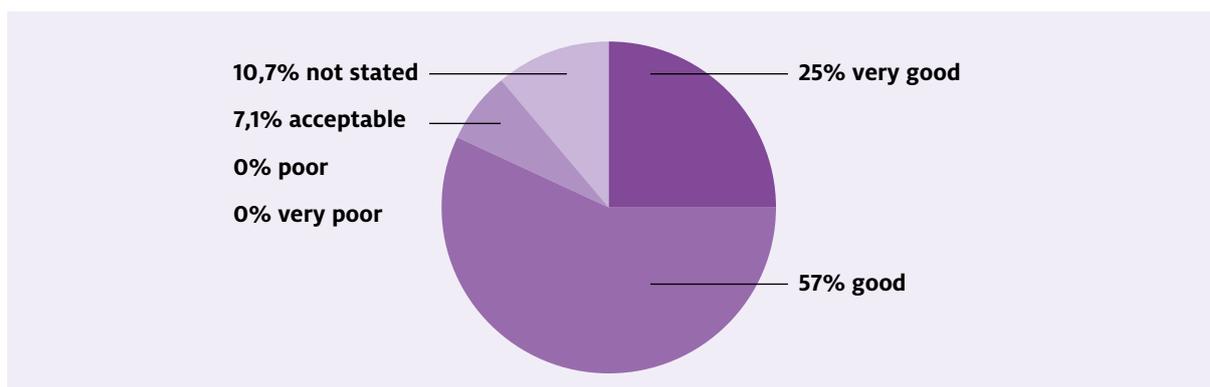
2.5 YOUTH PARTICIPATION

The following pages will summarize the statements of the interviewees at all levels and their most commonly identified challenges and approaches to tackle these. The project partners define youth as young adults aged 14-25 years. Some particularly well functioning and innovative examples of youth participatory methods are presented in the factsheets attached. In many cases youth participation is fostered through processes that specifically target their age group. While this has been observed across much of the gathered data, this does not mean that successful youth participation only takes place through these special processes. Participatory processes are mostly open to the general public, which includes youth and can successfully involve them, as well. As was the case for general participatory mechanisms, youth participation is an umbrella term that can signify many things and can be shaped very differently in different contexts. This part thus highlights the institutional approaches to youth participation in Municipalities that have shown innovative practices of citizen participation in local decision-making.

Graph 7⁹: Have participatory processes taken place in the last five years in your territory that are particularly aimed at participation by young adults (14-25 years)?



Graph 8: How would you assess the experience with participatory processes for young adults?



The answers to the questionnaire show that participation specifically targeted to youth has already taken place in broad areas of the Alpine Region (see Graph 7). The representatives at regional level generally assess their experience with processes for young adults very positively (see Graph 8).

The Municipalities that were studied as good examples of innovative citizen participation methods had varying experiences in the area of youth participation. In contrast to general participation projects, the interviewees formulated the objectives of specific processes of youth participation less as political involvement, legitimation or finding consensus but more as helping to shape their living environment, identification with the same and civic education (i.e. Gland, Altdorf).

⁹ Table 9 and 10 show the answers of regional representatives as well as of Slovenia and Liechtenstein gained through the questionnaires.

2.5.1 Mobilisation and Reaching Youth

As already mentioned in 2.4.6, youths and young adults were identified in many interviews as a population group that is particularly hard to reach for general participatory processes and that is difficult to motivate and mobilise even though their participation is so important (i.e. Erlangen, Hohenweiler, Ajdovščina). In particular, young adults who are not already involved in other areas, for example in social and cultural associations are difficult to reach (i.e. Zell am Ziller). In a similar way to other population groups, which are difficult to reach, the Municipalities emphasise that also for young people it is important to find innovative methods of contact that take the realities of this group into account (i.e. Maribor, Heidelberg, Bern, Herisau). The use of multipliers, trusted persons and representatives of their interests also seems to be essential here. In this context, Municipalities most commonly name the school, which forms a large part of the life of young adults (i.e. Dornbirn, Vienna, Filderstadt). Contacts in organised leisure activities such as clubs and voluntary work can also be used as multipliers, although there is the above-mentioned problem that only the youth and young adults who have already become active in these areas can be mobilised (i.e. Leogang, Wolkersdorf). Youth and social workers were mentioned as further multipliers together with young people who are already engaged. Furthermore, the experience of the interviewed Municipalities shows that contacting young people through traditional communication paths, such as mail or community newsletters or notice boards, is largely ineffective. Creative, interesting invitations are required in order to reach young adults, sent through the predominant communication paths of this age group (i.e. Hohenweiler, Dornbirn, Filderstadt). As this changes rapidly in this digital age and very different communication paths are used even within the age group of 14-25 years, target group-oriented participation preparation is also essential for young people (i.e. Dornbirn and Heidelberg). If possible, the expertise of young adults who have already become active should be used (i.e. Heidelberg, Mouans-Sartoux).

2.5.2 Identifying Topics and Designing Processes

Some Municipalities have made the experience that the involvement of young people in general deliberative participation processes does not work well and requires substantial efforts on part of the Municipality (i.e. Herisau). Conversely, other Municipalities, namely Mals/Malles and Genoa stressed that young adults actively engage in their general participatory processes. In answer to the aforementioned challenge, many Municipalities take the route of special participation processes especially targeted at the youth. They often focus on participation bodies that are based on representative-democratic formats, such as youth parliaments or local youth councils, in order to represent the voice of the youth (i.e. Swiss youth parliaments, Filderstadt). Other Municipalities do not consider these participation models to be very successful (i.e. Mals/Malles, Moosburg). Another point that is also valid for general, deliberative participation, but that is stressed by the interviewees repeatedly and decisively, is the political earnestness of the processes. Fake processes that are politically motivated must be avoided, particularly as youth participation aims at civic education in order to prevent the emergence of early political disenchantment (i.e. Mals/Malles, Heidelberg, Dornbirn).

A strong trend can be seen in topics that are chosen for youth participation. Given the experience that young adults are most easily enthused by topics in their current fields of interest (i.e. Vienna, Herisau), which in many cases means the organisation of leisure opportunities (i.e. Trento, Zell am Ziller), many Municipalities seem to concentrate their resources for projects with young adults in these areas. Many such projects are also initiated in Municipalities where the participation formats allow for the self-organisation of young adults (i.e. Weyarn). These Municipalities connect this self-organisation in participation formats with the promotion of a sense of responsibility. Some Municipalities even give young adults responsibility for smaller budgets (i.e. Weyarn, Köniz), which can have a positive effect on the motivation of young adults for participation processes (i.e. Lausanne).

Municipalities evaluate time limitations on individual projects and the rapid implementation in the youth sector as particularly important. On the one hand, this can prevent young people from losing interest in the process itself and, on the other hand, there is a risk that realising the results may no longer be relevant for the process participants themselves because the lives of young adults change so rapidly (i.e. Dornbirn, Vienna, Échirolles). From another perspective, the success and realisation of their elaborated results represent great motivation for young people to continue their participation (i.e. Wolkersdorf).

INFOBOX 15: YOUTH PARTICIPATION – NETWORKS AND ORGANIZATIONS

Europe

European Commission - Youth https://ec.europa.eu/youth/policy/youth-strategy/civil-society_en

Alpine Region

CIPRA - Living in the Alps <http://www.cipra.org/en/youth>
Report on Youth Participation in the Alps www.cipra.org/en/youth/youthbrochure.pdf/inline-download

Austria

Raumordnung und Regionalpolitik in Niederösterreich - Fokus Jugend <http://www.raumordnung-noe.at/index.php?id=375>

ARGE Partizipation <http://www.jugendbeteiligung.at/>

Landesjugendreferat Burgenland <http://www.ljr.at/workshops-projekte/deine-gemeinde-jungaktivinnovativ/>

JAM - Jugend Arbeit Mobil <http://jugendarbeit-mobil.at/wp/>

Jugendportal Land Tirol <https://www.mei-infoeck.at/>

aktivwerden.at <http://aktivwerden.at/>

Die Zukunft in Deiner Gemeinde <https://jugendvorort.org/>

Jugendwegweiser <http://www.jugendwegweiser.at/>

Switzerland

Kinder- und Jugendpolitik Schweiz <https://www.kinderjugendpolitik.ch/>

DOJ - Dachverband offene Kinder- und Jugendarbeit Schweiz <http://www.doj.ch/>

infoclick.ch - Kinder- und Jugendförderung Schweiz <https://www.infoclick.ch/schweiz/>

easyvote <https://www.easyvote.ch/de/home/>

Italy

Südtiroler Jugendring <http://www.jugendring.it/>

trentogiovani.it <http://www.trentogiovani.it/>

France

anacej - association nationale des conseils d'enfants et de jeunes <http://anacej.asso.fr/>

ProVox <http://provox-jeunesse.fr/>

Liechtenstein

aha Liechtenstein <http://www.aha.li/>

Slovenia

Mladinski Svet Slovenije <http://mss.si/>

Germany

Servicestelle Jugendbeteiligung <https://www.servicestelle-jugendbeteiligung.de/>

Bayerischer Jugendring <https://www.bjr.de/themen/partizipation-und-demokratie/gelingende-jugendbeteiligung.html>

Landeszentrale für politische Bildung Baden-Württemberg https://www.lpb-bw.de/jugendbeteiligung_jugendpolitik.html

Bundesnetzwerk Kinder- und Jugendbeteiligung <https://www.dkhw.de/ueber-uns/buendnisse/bundesnetzwerk-kinder-und-jugendbeteiligung/>

2.5.3 Continuity and Sustainability

The rapidly changing world of young adults presents a particular challenge for youth participation and for youth work in the Municipalities. The interests of young people appear to be changing constantly and the generations change fast within the target group (i.e. Teufen, Hohenweiler). Another problem that Municipalities point out is that young adults are more active in groups of friends or cliques. They sometimes use participation procedures in a positive sense as possibilities for social gatherings (i.e. Lausanne) but this can also result in large sections of active young people breaking away from youth participation at the same time (i.e. Zell am Ziller). In order to achieve successful youth participation, the Municipalities propose offsetting the fast pace of young people's lives with institutional continuity in the youth sector (i.e. Ajdovščina). This continuity can also have very positive effects on the successful motivation and mobilisation of young adults (i.e. Dornbirn). Political will is also essential here, for example, in the provision of the necessary financial resources or also in creating jobs in youth work/ youth participation (i.e. Genoa).

Municipalities also state that successful youth participation can lead to active identification with the territory, which at best can have positive effects on problems like youth migration and ageing of the population, particularly in smaller Municipalities (i.e. Moosburg, Hohenweiler).

In conclusion, the results have shown that many of the Municipalities have seriously considered different ways of how to involve youth in political decision-making processes. Nevertheless, there still seems to be much room for improvement, especially in areas that go beyond specific youth topics.

INFOBOX 16

YOUTH PARTICIPATION GUIDELINES, FRAMEWORKS AND GUIDING PRINCIPLES

For general processes of participatory democracy, some Municipalities have developed participation guidelines as one of the aides in providing for continuity. Related guidelines and guiding principles exist at the various government levels for youth participation, as well. This box provides a few insights into what such frameworks and aides for guidance in youth processes can look like.

- The **Land of Lower Austria** has (next to its handbook for citizen participation) also developed guidelines of how to involve youth in structural planning for its Municipalities, based on the positive experiences made in some Municipalities, including Wolkersdorf (<http://www.raumordnung-noe.at/index.php?id=382>). See also *Factsheet on Urban Regeneration*.
- The **Autonomous Province of Trento** regulates youth policy according to the guidelines of fostering and enhancing its entire territory, developing youth policies together with young adults, the dialogue between youth and institutional actors. More specific examples are structured initiatives such as the "piani di zona" (area plans) that are based on exchange and discussion between municipal representatives, NGOs and the broader public (http://www.politichegiovani.provincia.tn.it/vetrina/piani_zona/).
- In **Bavaria**, youth workers have developed quality standards in order to preclude youth frustration with the processes (<https://www.bjr.de/themen/partizipation-und-demokratie/gelingende-jugendbeteiligung.html>).
- The **Swiss Arbeitsgemeinschaft der Jugendverbände/Conseil des Activités de Jeunesse** provides a collection of ready-to-go processes in order to give incentives and guidance for youth participation (http://www.doj.ch/fileadmin/downloads/themen/jugendpolitik/_heft_jugendbeteiligung_dt.pdf).
- **Mals/Malles** municipal by-law provides for open or parliamentary forms of youth participation in order to support the concerns of this age group (Article 33)
- In **Genoa**, the service point "Informagiovani" offers a framework for manifold youth participation projects that aim to build a network for young adults in order to interconnect them with institutions and actors in the fields of employment and job training (<http://www.genovagiovani6tu.comune.genova.it>).
- **Maribor** passed a multi-year decree on public interest in the youth sector, in order to specify the details of local level cooperation between decision-makers and youth in those fields that affect the latter (Local Programme for Youth in the Municipality of Maribor for the period of 2016-2021, <http://www.maribor.si/dokument.aspx?id=28095>).



INFOBOX 17

DORNBIRN CASE STUDY



Dornbirn is considered exemplary with regard to the continuity and resulting success of youth participation. The Democracy Prize 2014 from the Austrian Parliament is evidence of this. Dornbirn has been realising various youth participation processes for years, for example, the “Meeting of Class Representatives” and the “Generation café” and it is actively working on the long night of participation.

Dornbirn also stands for good practice in relation to the organisation and the internet presence of procedures and documentation of youth participation processes. It names the following guidelines, among other things, as the key objectives of its youth participation model (based on a resolution by the local council in 1998): (a) open access for young people regardless of their education level and social group; (b) active contact with various target groups; (c) dialogue with local administration and politics; (d) establishment of an appropriate and independent infrastructure; (e) continuous public relations and opinion-forming within the society; (f) project-oriented work that is directed primarily on the individual proposals and requests of young people.

2.6 FURTHER INFORMATION AND LIST OF REFERENCES

The following section intends to give the opportunity for more detailed information in the case of further interest. It refers to relevant websites of regional government offices for citizen participation, guidelines for participatory processes on the municipal level that were highlighted in the questionnaires and interviews and some useful literature that has also been referenced throughout the report. Table 1, Infobox 12 and Infobox 15 already list the web addresses of the interviewed Municipalities and a selection of participation networks and databases. Following the information of this section, six fact sheets provide further insights into twelve specific examples of good practices of innovative citizen participation implemented in the Alpine Region.

Regional Offices for Participation

AT - Burgenland	Landesamtsdirektion Generalsekretariat - Recht/Hauptreferat Verfassungsdienst
AT - Carinthia	Orts- und Regionalentwicklung und kommunales Bauen in der Abteilung 3, AKL https://www.ktn.gv.at/Verwaltung/Amt-der-Kaerntner-Landesregierung
AT - Lower Austria	Dorf- und Stadterneuerung in der Abteilung Raumordnung und Regionalpolitik http://www.noe.gv.at/noe/Raumordnung/Raumordnung.html und http://www.noe.gv.at/noe/Kontakt-Landesverwaltung/Kontakt_zur_Landesverwaltung.html
AT - Upper Austria	Oberösterreichische Zukunftsakademie http://www.ooe-zukunftsakademie.at/
AT - Salzburg	(1) Landesmedienzentrum bzgl. landesweiter Bürgerräte https://www.salzburg.gv.at/presse/landes-medienzentrum (2) Abt. Natur- und Umweltschutz, Gewerbe bzgl. lokaler und regional Bürgerbeteiligung im Sinne der Agenda 21 https://www.salzburg.gv.at/verwaltung_/Seiten/205.aspx
AT - Styria	Land Steiermark, Abteilung 17 Landes- und Gemeindeentwicklung, Referat für Landesplanung und Regionalentwicklung http://www.verwaltung.steiermark.at/cms/beitrag/11704789/75775473

AT - Tyrol	Geschäftsstelle für Dorferneuerung, LA 21 Leitstelle https://www.tirol.gv.at/landwirtschaft-forstwirtschaft/agrar/dorferneuerung-tirol/
AT - Vorarlberg	Büro für Zukunftsfragen http://www.vorarlberg.at/zukunft/
CH - Basel Landschaft	Abteilung "Politische Rechte" https://www.baselland.ch/themen/p/politische-rechte
CH - Uri	Amt für Kultur und Sport, Abteilung Kulturförderung und Jugendarbeit http://www.ur.ch/de/verwaltung/verwaltungorg/?amt_id=866
CH - Thurgau	Staatskanzlei, Departement für Inneres und Volkswirtschaft https://div.tg.ch/
CH - Glarus	Staatskanzlei des Kantons Glarus http://www.gl.ch/xml_1/internet/de/application/d1256/d41/f42.cfm
CH - Ticino	Ente regionale di sviluppo http://www.ers-bv.ch/
CH - Neuchâtel	Département de l'éducation e de la famille Service de protection de l'adulte et de la jeunesse Bureau du Délégué à la jeunesse http://www.ne.ch/autorites/DEF/SPAJ/Pages/accueil.aspx
CH - Geneva	Chancellerie d'État http://www.ge.ch/chancellerie/
CH - Vaud	Promotion et soutien aux activités de jeunesse http://www.vd.ch/themes/vie-privee/enfance-et-jeunesse/promotion-et-soutien-aux-activites-de-jeunesse/
DE - Baden-Württemberg	Stabsstelle der Staatsrätin für Zivilgesellschaft und Bürgerbeteiligung, Staatsministerium https://stm.baden-wuerttemberg.de/de/ministerium/staatsraetin-fuer-zivilgesellschaft-und-buergerbeteiligung/ und https://beteiligungsportal.baden-wuerttemberg.de/de/startseite/
IT – Autonomous Province of Trento	Autorità per la partecipazione locale https://apl.provincia.tn.it/
Liechtenstein	Liechtenstein Institut http://www.liechtenstein-institut.li/
Slovenia	Služba za transparentnost, integriteto in politični sistem, Ministrstvo Za Javno Upravo http://www.mju.gov.si/en/about_the_ministry/organization/

Participation by-laws, participation charters

This list provides examples of special by-laws, guidelines or participation charters that have institutionalized citizen participation at the municipal level.

AT - Dornbirn	https://www.dornbirn.at/leben-in-dornbirn/buergerbeteiligung/neues-leitbild-zusammenleben/
AT - Munderfing	http://www.munderfing.at/zukunftsprofil-munderfing
AT - Vienna	https://www.wien.gv.at/stadtentwicklung/partizipation/praxisbuch.html https://www.wien.gv.at/stadtentwicklung/grundlagen/leitbilder/
CH - Bern	http://www.bern.ch/themen/stadt-recht-und-politik/mitreden-und-mitgestalten

CH - Ville de la Chaux-de-Fonds	http://www.urbaine.ch/projets/detail/project/vision-la-chaux-de-fonds-2030/
DE - Weyarn	http://www.weyarn.de/arbeitskreise.htm
DE - Erlangen	https://www.erlangen.de/desktopdefault.aspx/tabid-1813/4041_read-32671/
DE - Filderstadt	http://www.filderstadt.de/,Lde/start/alltag/Spielregeln.html http://www.filderstadt.de/,Lde/start/alltag/Handbuch+Buergerbeteiligung.html
DE - Heidelberg	http://www.heidelberg.de/hd,Lde/HD/Rathaus/Leitlinien+Buergerbeteiligung.html
FR - Mouans-Sartoux	http://mouans-sartoux.net/association2/charte-vie-associative
FR - Ville d'Échirolles	http://www.echirolles.fr/la-ville/participation-citoyenne/charte-de-la-participation
IT - Genoa	http://www.comune.genova.it/patti_di_collaborazione
IT - Trento	http://www.comune.trento.it/Aree-tematiche/Beni-comuni/Patti-di-collaborazione-e-adesioni

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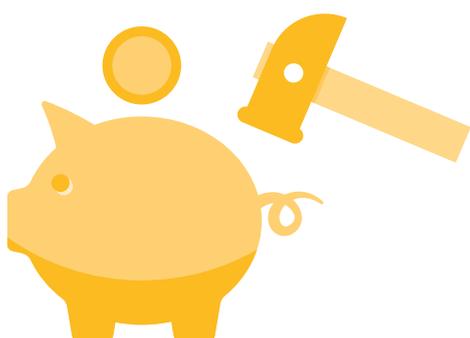
2.7 FACT SHEETS ON INNOVATIVE PRACTICES OF PARTICIPATORY DEMOCRACY IMPLEMENTED IN THE ALPINE SPACE

In conclusion and as a result of the comparative analysis, the research team realized six fact sheets portraying selected innovative and well-functioning participatory practices encountered throughout the empirical part of the analysis.

Each factsheet collects two good and innovative examples of participatory democracy selected amongst those indicated in the questionnaires distributed at a regional level (the national level for Slovenia and Liechtenstein) and mentioned by the interviewed administrators and representatives at a local level.

The addressees of following fact sheets are mostly policy and decision makers wishing to introduce a participatory mechanism in their Region or Municipality. The structure of the fact sheets mirrors this purpose. An interested policy maker will be able to consider the participatory practices in the policy field of interest or to read the fact sheets transversally focusing on the well-functioning practices introduced in an alike sized Region or Municipality.

Each factsheet evolves around the answer to four questions: **where?**, **which method?**, **why?**, and **how?**



URBAN REGENERATION

Urban development decisions are complex and technical. However, it is possible to create new urban settings while promoting community building.



“PARTECIP@”



WHERE?

Municipality Centre-East of the City of **Genova**, Liguria (ITALY)
ca. 89.300 inhabitants (2015)

WHICH METHOD?

E-democracy and urban regeneration method

WHY?

The goal was to involve residents in the shaping of their city districts.

HOW?

Phases of the participatory path:

1. every citizen could advance his/her project of urban renewal on an online platform; 2. a technical committee established by the municipality evaluated the feasibility of the projects; 3. the admissible projects were voted offline and through an online platform; 4. the most voted projects were implemented.

More info at:

<http://www.urbancenter.comune.genova.it/group/1576>

TIP: The Municipality collaborated with experts of online forms of democracy (Association Open Genova).

“HDJ”

YOUTH



WHERE?

City of **Heidelberg**, Baden-Württemberg (GERMANY)
ca. 156.000 inhabitants (2015)

WHICH METHOD?

E-democracy and urban regeneration method

WHY?

The goal was to involve young adults in the renovation planning of their youth center.

HOW?

Kids and young adults shared their ideas in a kick-off event with local administrators and youth representatives. The flows of ideas continued online through the WhatsApp platform. The results of the online participation flowed into the subsequent public architectural contest.

More info at:

<https://hausderjugend-hd.de/beteiligungsverfahren/#abschluss>

TIP: The best way to involve young adults is through their own communication networks.

Interreg
Alpine Space



GaYA 
EUROPEAN REGIONAL DEVELOPMENT FUND

SPATIAL PLANNING

Participatory urban planning allows citizens to act as agents of change shaping their city according to their individual and collective needs.



“MY WO DO + 24”

YOUTH



WHERE?

Municipality of Wolkersdorf, Lower Austria (AUSTRIA)
ca. 7.000 inhabitants (2016)

WHICH METHOD?

Youth participatory urban planning

WHY?

The goal was to involve young people in the planning of their municipality's spatial use.

HOW?

Phases of the participatory path:

1. participants, provided with a participatory starter kit, gathered their thoughts on spatial use through pictures and symbols; 2. participants were then divided into smaller groups to further develop the results of the previous phase; 3. a general discussion on the results of the youth participation process and on the elaboration of common actions concluded the process.

TIP: A conclusive multigenerational discussion is an effective follow up instrument.

More info at:

<http://www.stadt-umland.at/themen/beteiligung/mywodo-24.html>

“MÉTAMORPHOSE”



WHERE?

5 city districts of the Municipality of Lausanne, Vaud (SWITZERLAND)
ca. 135.600 inhabitants (2015)

WHICH METHOD?

Citizens' participation in the city's urban planning (from 2008 until 2016)

WHY?

The goal was to accompany every step of the urban planning project with participatory processes.

HOW?

The participatory process started in 2008 and envisaged various stages and degrees of participatory democracy, from information, consultation, negotiation, concertation to co-construction in each step of the urban planning project. The process was realized through different methods such as the collection of ideas, urban design contests, round tables, public consultations and workshops. The participation regarded different areas of the citizens' urban life: mobility, use of public spaces, environment, redevelopment of green areas and the creation of sports facilities.

TIP: The municipality collaborated with the independent association “Oui Lausanne Avance!” (OLA) and with experts in urbanism.

More info at:

<http://www.lausanne.ch/lausanne-en-bref/lausanne-demain/projet-metamorphose/demarche-participative.html>

PUBLIC EXPENDITURES



Citizens can be actively involved in municipal or regional budget decisions that will affect their lives, contributing to the transparency and efficiency of public expenditures.

“BÜRGERHAUSHALT MALS”



WHERE?

Municipality of Mals/Malles, Autonomous Province of Bolzano/Bozen-South Tyrol (ITALY), ca. 5.100 inhabitants (2016)

WHICH METHOD?

Participatory Budgeting, E-Democracy and Citizens Council

WHY?

The goal was to enable citizens to decide how a certain portion of the municipality's budget should be allocated.

HOW?

Phases of the participatory path:

1. each participant may advance a maximum of three budget or saving projects;
2. the municipality proofs the projects' (legal, technical and financial) feasibility in collaboration with a council of 15 randomly selected citizens;
3. the admissible projects are published and put to an online vote;
4. the political institutions of the municipality will implement the most voted projects.

TIP: The involvement of citizen also in the phase of feasibility assessment increases the overall consensus of the final output.

More info at:

<http://www.gemeinde.mals.bz.it>

PARTICIPATORY BUDGETING IN MARIBOR



WHERE?

Municipal District Radvanje, The City Municipality of Maribor (SLOVENIA) ca. 95.500 inhabitants (2016)

WHICH METHOD?

Participatory budget pilot project

WHY?

The goal was to render the city's expenditure policy more transparent directly involving citizens.

HOW?

Citizens had the right to co-decide over 20% of the municipality's budget divided between different municipal districts. Each citizen proposed a project and gave his/her vote to a maximum of 5 projects. The most voted projects underwent a feasibility check by the municipality and will now be implemented.

TIP: The involvement of citizens in budget decisions enables them to build their trust in political institutions also enhancing the overall transparency.

More info at:

<http://mariborpp.si/>

ENVIRONMENT

Citizens' participation is crucial to the development and enforcement of sustainable environmental policies, as citizens are the first implementation agents of these policies.



"ENERGIEWENDE"



WHERE?

Municipality of Weyarn, Free State of Bavaria (GERMANY)
ca. 3.700 inhabitants (2016)

WHICH METHOD?

Citizens' working group (Arbeitskreis)

WHY?

The goal was to involve citizens in the municipality's energy development.

HOW?

The municipality initiated this process consisting of several phases by organizing a participatory workshop (Energiewerkstatt) on environmental topics. As a result of this workshop a citizens' working group was established for the purpose of achieving the transition to renewable energy by 2025. Successively, the working group organized citizens' workshops by its own initiative, and it gathered information on energy relevant habits through questionnaires.

More info at:
<https://www.energiewende-weyarn.de/>

TIP: The involvement of citizens in different stages of participation promotes the collective sense of responsibility while benefitting from different existing know-hows in the municipality.

"BEKO"



WHERE?

State of Baden-Württemberg (GERMANY)
ca. 10,8 million inhabitants (2015)

WHICH METHOD?

E-democracy, discussion tables and Citizens' Council

WHY?

The goal was the development of a consensual regional energy concept.

HOW?

100 citizens were randomly selected to establish four discussion tables (in each regional district) on energy supply, households, and traffic. In parallel, regional associations and stakeholders also engaged in discussion panels. At a second stage, citizens and stakeholders - elected from each discussion table - met in "reflections-sharing sessions" to develop common policy recommendations for the regional government. Furthermore, citizens could share their opinions on the development of the regional energy concept by participating through an online platform.

More info at:
<https://beteiligungportal.baden-wuerttemberg.de>

TIP: The region benefitted from the scientific support of the University of Stuttgart, which gathered evaluations through questionnaires and interviews.

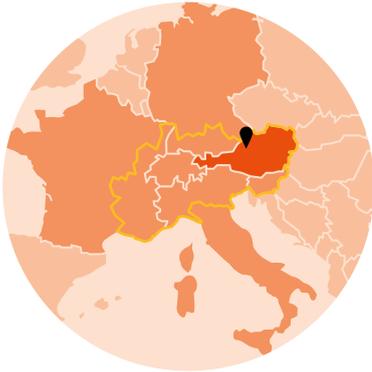
YOUTH POLICIES

Young people know best how policies affecting them need to be shaped.



“YOUTH REGION – JUGEND IN DER TRAUNSTEINREGION”

YOUTH



WHERE?

Traunstein consortium of municipalities, Upper Austria (AUSTRIA)
ca. 46.000 inhabitants

WHICH METHOD?

Municipal youth councils and youth cafés

WHY?

The goal was to allow young people to actively participate in the development of municipal and regional policies and projects.

HOW?

The municipalities of the Traunstein consortium established municipal youth councils on specific topics selected by the youth themselves. Members are randomly chosen from the register of residents. The councils operate according to the consensus-building method of “dynamic facilitation”. The outputs are then publicly presented and discussed in youth cafés. A so called “resonance group” accompanies the whole participatory process offering professional and financial support to participating municipalities.

TIP: Through participatory youth involvement, decision- and policy makers get insights into what really matters for young people.

More info at:

<http://www.youthregion.at/timetable.html>

“RENDERING TRENTO GIOVANI”

YOUTH



WHERE?

Municipality of Trento, Autonomous Province of Trento (ITALY)
ca. 117.300 inhabitants (2016)

WHICH METHOD?

Multi-phase youth participation process

WHY?

The goal of the participatory process was to involve youth in the development of the municipality’s youth policy plan 2017-2020, guaranteeing the compliance with actual needs.

HOW?

Phases of participation:

1. in the opinion sharing phase young people could share their opinions, visions and needs for the future; 2. the collected items were analyzed and organized in 4 macro categories (jobs, culture, participation and inclusion); 3. focus groups, consisting of young people, administrative staff and associations prioritized the overall outputs; 4. the resulting guidelines will undergo the process of institutional approval.

TIP: The added value of participatory processes in policy development is the inclusion of those directly affected.

More info at:

<http://www.trentogiovani.it>

MOBILITY

Develop consensual transport policy through citizens' participation by reaching viable solutions for mobility questions.



"STEP 2025" URBAN MOBILITY PLAN



WHERE?

City of Vienna, Vienna (AUSTRIA)
ca. 1, 8 million inhabitants (2016)

WHICH METHOD?

Citizen council,
district fora,
citizens' cafés

WHY?

The goal was to involve different stakeholders and the citizens in the development of a sustainable mobility plan.

HOW?

Different actors were brought together: A mobility group composed of administrative staff collaborated with working groups on different mobility related topics. Vienna's 23 districts were invited to rounds of districts fora. Finally, a citizens' council on the mobility concept was created. Members were chosen randomly from the residents' register. The first 14 to reply were selected. The council developed six messages on mobility related topics. These messages were later discussed in citizens' cafés.

TIP: The close collaboration among administrative staff, politicians, and the civil society encourages mutual understanding.

More info at:

<https://www.wien.gv.at/stadtentwicklung/strategien/step/step2025/fachkonzepte/index.html>

THE BERNESE MODEL



WHERE?

Canton Bern (SWITZERLAND)
ca. 1 million inhabitants (2015)

WHICH METHOD?

A model of participatory planning in mobility projects

WHY?

The goal is the early citizen involvement in the planning process, in order to solve potential conflicts before the project's approval.

HOW?

Under the motto "existence and not dominance" the population is involved at the early stages of the planning. Hearings are held with representatives of neighboring associations, workshops, and discussion tables with concerned groups follow, so that possibly every individual need is taken into account. A key role in this planning process is played by the planners, who are experts in the field, acting as moderators between the different interested groups.

TIP: The Bernese model is a legally foreseen form of citizens' participation that increases the level of acceptancy of the executive's decisions.

More info at:

<http://www.bve.be.ch>

CONCLUSIONS

The report focused on the analysis and assessment of two central facets of participatory democracy: the legal and institutional aspect in which it is inserted and the practical and empirical aspect that allows to highlight how participatory processes are developed and how they work within decision-making processes of territorial entities within the Alpine Space. Whereas the first part of the research focused on legal sources of the national and regional level of government, the empirical part provided evidence on both innovative practices implemented at the local level and on participation charters as well as guidelines. *Inter alia*, it focused on the ultimate aims of participatory processes and analyzed the role of politics and administration carrying out projects of citizens' participation. Each part of the research is marked by a specific methodology of analysis. In order to develop a comparative conclusion that offers a coordinated vision of the dynamics in the establishment and implementation of participatory democracy practices and democratic innovations in the States, Regions and Municipalities of the Alpine Space, at this point the two research approaches will be juxtaposed.

The overall aim of the report was to provide a **general portrait** on how citizens' participation is institutionalised in the Alpine area. Interestingly, both parts of the comparative analysis reveal a common tendency: From a legal point of view, the clarity of the concept of participatory democracy is directly proportional to the proximity of the authorities to the citizen. The empirical analysis goes in the same direction. Municipalities being the closest authority to the citizens can best be platforms for responsive and effective approaches to democratic innovation.

As to the **objectives** underlying the adoption of instruments of participatory democracy, the research reveals that the main aim is to increase the level of political involvement of the population in decision-making processes. This necessity goes beyond the political and geographical borders of the States of the Alpine Region. It is therefore a cross-sectional and a transnational requirement. Further, naturally interdependent objectives of participatory processes are political legitimation, the development of a culture of participation through civic education as well as the enhancement of more efficient, innovative, sustainable political decision-making processes. Indeed, the territorial entities of the Alpine Space share the similar need as to reduce the gap between citizens, especially young people, and decision-makers, also to improve the quality and legitimacy of decisions. Thus, the implementation of participatory democracy and its use of deliberative discussion methods occur in a similar way in many of the analysed territories of the Alpine Region. However, one has to keep in mind that each participatory process, and each regulatory act that concerns it, are unique in their conception and aim at achieving specific results and objectives. To a certain degree, the general findings of this research also apply to the participation of young adults residing in the Alpine area. Compared to general participatory processes, which obviously also target and include youth and young adults, the objectives of participatory processes specifically directed at enhancing the involvement of young adults are different. Indeed, these processes instead focus on involving them in processes of co-creation. Further important aspects of successful participatory processes involving youth are the issue at stake and the overall duration of the participatory process.

The transnational and cross-border dimension of participatory democracy, encouraged by an exchange of knowledge and experiences between the States of the Alpine Space, is even more evident when one looks at the structure of participatory processes. In fact, the empirical analysis particularly showed that in many cases similar **methods** and timeframes have been used to involve citizens in decision-making processes. Some examples are: tools of E-democracy, the planning cell, the participatory budget, the public debate, the citizens' council (known under different names in different States) and citizens consultation within constitution making processes. It is also noted that the flexibility and spontaneity that connote these participatory methods enhance the possibilities for their mixture or creation of new methods in order to better meet the requirements that brought to a participatory democracy process. A further aspect revealed by the analysis is that each process is inherently a "learning by doing" experience, although one may rely on the support of non-governmental organisations or refer to the experience of other public institutions.

From the conducted analysis, it is not possible to prove any strong correlation between the levels of government, the size of the territorial authority and the successful implementation of the participatory process. In fact, surprisingly and despite of the fact that the legal framework are more deficient at national level than at subnational level, the empirical analysis shows that participatory processes take place at all levels of government, with remarkable frequency also at national level, but more at regional and local level. Moreover, it appears that the elements that most influence the positive outcome of democratic innovations are the "**participatory**" **culture** of a certain territory along with the will of the political actors to engage effectively in its implementation. It is undoubtedly true that decentralisation encourages pluralism and diversification, and thus it facilitates the engagement in and implementation of participatory democracy, giving territories the possibility to structure their decision-making procedures in an innovative and inclusive way. However, the involvement of citizens in the development of public decisions can only function when the cultural substratum is already inherently acquainted with the participatory dimension of politics.

From the empirical research, namely the questionnaires with regional and national officials and interviews

with local representatives, it emerged that there are **multiple understandings** of participatory democracy in the Alps. Indeed, for example, in Switzerland, where the culture of participation is particularly developed and rooted in the territory, the recourse to instruments of participatory democracy – as intended herein – is somewhat sporadic. This can probably be attributed to the strong influence of direct democracy that permeates the life of the institutions and citizens, influencing the general conception of democracy and its innovations. In fact, often in the Swiss context, the very idea of participation coincides with practices of direct democracy. In this context to change perspective and identifying participatory processes based on logics differing from a referendum or a popular initiative, is rather complex. The same applies to Liechtenstein.

Further, the study showed that in most cases, the **willingness** to initiate participation processes stems from political and government authorities; however, in some other cases it is to be attributed to citizens who perceive the need for an equal and argued debate at eye-level with public decision-makers. Once again, it has to be emphasised that the coincidence between the willingness of the political entities, of the administration and of the citizens in engaging into participatory processes by continuously talking to each other is crucial to the positive implementation of a participatory process. A relationship rightly defined as “trialogue” in the guidelines on citizens’ participation of the city of Heidelberg (Germany).

Indeed, the success of a participatory process is mainly linked to the **consequences** a participatory phase triggers with regard to the final decision, thus to what extent and how the citizens’ will as expressed during the deliberative process is ultimately taken into consideration. In order not to frustrate the chances of participatory democracy and not to mislead the expectations of the citizens involved, there must be a strong commitment by the public authority in taking into consideration the outcomes of the participatory process while taking the final decision. Therefore participatory processes must be result-oriented and the rights and obligations of all involved stakeholders (the administration, politicians and citizens) must be clear from the very beginning.

Further, the existence of a **legal framework of regulation** of participatory democracy, where there is also a strong political will, can encourage or even strongly impact the success of a participatory process. This framework stipulates the procedural rules that must be followed and renders the methods according to which citizens should or can be involved in the elaboration of legislative acts more transparent. In this regard, a reference can be made to the experience of the Land Vorarlberg (Austria) which represents a **good practice** of participatory democracy. The participatory practice of the *Bürgererrat*, largely supported by both the political sphere and civil society, was experimented for some years before being legally recognized. On the one hand, the *Bürgererrat* was inserted in a source of soft-law (government regulation), and, on the other hand, it became a foundation of the democratic structure of the Land being introduced into the sub-national Constitution. In this sense, although the presence of a legal framework is not absolutely necessary for the positive implementation of practices of participatory democracy, it undoubtedly guarantees greater transparency, clarity and especially continuity to those impulses, whose implementation would otherwise solely depend on the choices of political decision-makers. In this regard, it is interesting to underline that no constitution of the Alpine States entails norms on participatory democracy. The purpose of a legislative foundation or formal regulations to practices of participatory democracy is to avoid the risk of limiting them to the duration of a legislature, or for as long as the political desire to implement them persists. However, it is to be noted that innovative legal frameworks for participatory democracy are quite rare in the Alpine area. In fact, with some exceptions to be highlighted in some special Regions in Italy, in some Austrian *Länder* and in the French *debat public*, the panorama is quite uniform.

In addition, the comparison between the legal and the empirical research reveals a further important element regarding the dynamics of participatory democracy and its instruments. In fact, practices of participatory democracy can be employed and have been employed in the development of **specific policies**, such as urban planning, environmental and social policies, as well as expenditure policies. This emerges both from the large number of provisions on participatory democracy identifiable in policy field legislation, and was also mentioned in the responses to the interviews.

In conclusion, all the constitutive elements of participatory democracy processes are interconnected and inter-related. All concerned entities, procedures, legal rules but, above all, the political culture and will of the institutions jointly influence the institutional yield of successful implementation of participatory democracy. Thus, the implementation of a participatory process in the context of adopting public decisions within the Alpine territorial entities – whether in the case of an *ad hoc* action or a structural intervention – profoundly affect the political dynamics of a legal system or a community, and thus require careful and in-depth assessment. Finally, as to the specific **involvement of young adults**, this research revealed that there is still much room for development for the innovative dimension of youth participation and that many of the institutions concerned by this analysis often run into similar challenges when introducing participatory processes specifically targeting young people. Although, many political processes that aim to include young adults exist, only few go beyond the scope of the classical forms of representative democracy (youth councils, youth parliaments). For this reason, the following work packages of the project GaYA aim to offer viable solutions for the enhancement of innovative forms of youth participation.

APPENDIX – TABLE OF LAWS

COUNTRY	CONSTITUTION	LAWS AND REGULATIONS	SUBNATIONAL AUTHORITIES	SUBNATIONAL CONSTITUTIONS	SUBNATIONAL LAWS AND REGULATIONS	
DEUTSCHLAND	Artt. 5, 8, 20 c. 1 e 3, Grundgesetz	Gesetzes zur Verbesserung der Öffentlichkeitsbeteiligung und Vereinheitlichung von Planfeststellungsverfahren (PlVereinHG), vom 31. Mai 2013, in Bundesgesetzblatt Jahrgang 2013, n. 26, p. 1388 ss.				
		§ 25, § 28, § 74, Verwaltungsverfahrensgesetz				
		§ 3, § 4a, Baugesetzbuch (BauGB)				
		Umwelt-Rechtsbehelfsgesetz in der Fassung von 8. April 2013 (BGBl. I S. 753), zuletzt geändert von Art. 3 Gesetz vom 30. November 2016 (BGBl. I S. 2749)				
		§ 9, Gesetz über die Umweltverträglichkeitsprüfung				
		§ 32, § 33, Kreislaufwirtschaftsgesetz				
		§ 47d, Bundes-Immissionsschutzgesetz (BimSchG)				
		§ 8, § 9, Gesetz zur Suche und Auswahl eines Standortes für ein Endlager für Wärme entwickelnde radioaktive Abfälle (Standortauswahlgesetz - StandAG), von 23. Juli 2013 (BGBl. I S. 2553), zuletzt geändert von Art. 4, Gesetz vom 27. Januar 2017 (BGBl. I S. 114)				
			Bayern	Art. 110, Verfassung des Freistaates Bayern, in der Fassung vom 15. Dezember 1998 (GVBl. S. 991, 992, BayRS 100-1-I), zuletzt geändert von Gesetz vom 11. November 2013 (GVBl. S. 638, 639, 640, 641, 642)		
					Art. 18, Art. 60, Gemeindeordnung für den Freistaat Bayern (Gemeindeordnung – GO), in der Fassung vom 22. August 1998 (GVBl. S. 796)	
			§ 25, Bayerisches Verwaltungsverfahrensgesetz (BayVwVfG), vom 23. Dezember 1976 ss.mm.			
			Artt. 16 ss., Bayerisches Landesplanungsgesetz (BayLplG) vom 25. Juni 2012			

		Baden-Württemberg	Art. 1, Art. 21, Verfassung des Landes Baden-Württemberg vom 11. November 1953 (GBl. S. 173), zuletzt geändert von Gesetz vom 1. Dezember 2015 (GBl. S. 1030, 1032).	
				§ 20, Gemeindeordnung für Baden-Württemberg (Gemeindeordnung - GemO) in der Fassung vom 24. Juli 2000
				§ 25, LVwVfG - Verwaltungsverfahrensgesetz für Baden-Württemberg
				Verwaltungsvorschrift der Landesregierung zur Intensivierung der Öffentlichkeitsbeteiligung in Planungs- und Zulassungsverfahren (VwV Öffentlichkeitsbeteiligung) vom 17. Dezember 2013 (GABl. Nr. 2, 2014, S. 22).
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			Art. 2, loi no. 95-101 del 2 febbraio 1995	
			Code de l'environnement, Partie législative, Livre I, Titre II - Article L121-1-A ss.; Articles L122-1 - L122-3-4; Article L123-1-A ss.	
			Art. L914-3, Code rural et de la pêche maritime	
			Art. L. 103-2, Art. L300-2, Code de l'urbanisme	
			Art. R11-4 ss., Code de l'expropriation pour cause d'utilité publique	
			Art. L2141-1, Code général des collectivités territoriale	
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			art. 8 d.lgs. 276/2000 Testo Unico degli Enti Locali (TUEL)	
			art. 22 d.lgs. 50/2016 (Codice degli appalti; dibattito pubblico)	
			art. 4 d.lgs 152/2006 (Valutazione impatto ambientale)	
			art. 5, co. 1 d.P.C.m 170/2008 (attuazione di l. 50/1999 Analisi Impatto Legislazione)	
		Liguria	art. 2, co. 2 p.to c; Art. 6	artt. 1 e 11 l. r. 38/1998 (Disciplina della valutazione di impatto ambientale)
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			NÖ Elektrizitätswesengesetz (LGBl. 7800-O)
			NÖ Straßengesetz (LGBl. 8500-O)

			NÖ Wald- und Weideservitutengesetz (LGBl. 6610-0)
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			Gesetz über Betreiberpflichten zum Schutz der Umwelt des Land Vorarlberg (LGBl.Nr. 20/2001)
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			Burgenländisches Pflanzenschutzmittelgesetz (LGBl. Nr. 46/2012)
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