

## Are Berlin Referendums Driving Real Change?

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Referendums are a powerful democratic tool in Berlin and across Germany. While not all direct democracy initiatives in the German capital have been successful in recent years, they have taught citizens and civil society actors that they need to join forces in the common fight for climate and social justice.

Last March, Berliners were called upon to cast their vote on the city's climate ambitions. According to the supporters of the referendums, initiated by the NGO Klimaneustart, Germany's ambition to achieve carbon neutrality by 2045 was not in line with the 1.5-degree target set by the Paris Agreement. The draft bill proposed, among other things, the prioritisation of CO2 emissions reduction over compensation, and the introduction of penalties for failing to meet climate targets. Although a slim majority voted in favour of a carbon-neutral Berlin by 2030, supporters of the referendum failed to reach the 25 per cent quorum.

Despite the defeat, the campaign brought climate issues to the forefront of local politics and media, and Klimaneustart is thinking of building on the lessons learned in Berlin and taking similar initiatives to other German cities.

Ingrained in the German federal political system, referendums represent a powerful democratic tool in the hands of citizens. They can be initiated at local or state (Land) level, with rules and procedures that depend on the constitution of each Land. In Berlin (one of Germany's city-states, along with Hamburg and Bremen), the request for a referendum must be submitted to the Senate's Department of the Interior, with a budget estimation for the proposed reform and 20,000 signatures on paper.

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Once the compatibility of the reform with the local legislation has been verified, the Senate and the House of Representatives have four months to apply the proposed reform directly, or throw the ball back to citizens. In the latter case, at least 170,000 signatures must be collected in the following four months, representing 7 per cent of local voters. If the referendum involves changing the constitution, the number of signatures required is 490,000, or 20 per cent of the electorate. If enough signatures are collected, the administration has four months to organise the vote. For a referendum to be successful, the proposed reform must win a majority and be supported by at least 608,000 citizens, or 25 per cent of the Berlin electorate. For constitutional amendments, 66 per cent of the electorate must vote in favour.

While the vote on climate neutrality would have been legally binding, other referendums are not, and it is up to the local government to take initiative on the requested measure. Even when it is non-binding, however, the popular vote carries a strong moral weight. The basis for action is the proposal by the

referendum's initiators, which can either be a full-fledged draft law or simply a list of demands. A draft law is more constraining for the government, but it requires a great deal of legal expertise and preliminary work.

## **Timing and political will**

One of the likely reasons that led to the rejection of the referendum on climate neutrality in Berlin was its timing. The turnout is typically higher when a referendum is organised on the same day as another – local, national, or European – electoral appointment. In theory, pooling election days also optimises organisational costs. Yet the municipality decided to hold the climate neutrality referendum on 26 March, just a few weeks after the municipal elections on February 12.

A referendum on the right to housing, held on 26 September 2021 on the same day as the federal elections, had better luck.

Deutsche Wohnen & Co. enteignen (“Expropriate Deutsche Wohnen & Co.”), as the initiative was called, gathered over one million votes in favour, winning a majority of 57.6 per cent. Deutsche Wohnen & Co. (DW&Co). is a real estate company owning over 113,000 homes in Berlin. Berlin’s housing rights activists accused the major real estate groups of speculating on property prices and driving up rents. The organisers of the referendum invoked Article 15 of the German constitution, which establishes that “land, natural resources, and means of production may, for the purpose of socialisation, be transferred to public ownership or into other forms of public enterprise”.

The text of the referendum highlighted the need to bring back into the public sphere ownership of more than 200,000 housing units. The expropriation would affect all private companies owning more than 30,000 homes, which would receive compensation “below market value”. The text also demanded the creation of a public company to manage and administer repossessed housing, and to establish a democratic governance system bringing together citizens, elected representatives and tenants to administer the newly set up public company.

After the referendum, the municipality was expected to draft a bill adopting the proposals put to the vote. In this particular case, the legality of such measures, and in particular the question of compensation for landlords, is still being debated. After the vote, the ruling municipal coalition made up of the Green Party, the radical leftist Die Linke, and the social-democratic SPD set up an expert commission to clarify the constitutionality of the referendum’s demands. After more than a year’s work, the commission concluded last June that the expropriation of large real estate companies would be “legally permissible, proportionate, constitutionally appropriate, and suitable for containing the explosion of rents in the German capital.”

In the meantime, however, the the ruling coalition has changed. Following irregularities in 2021, a rerun election last February saw the centre-right CDU winning 28 per cent of the vote, while the SPD and the Greens got 18 per cent each, and the abstention rate raised to 38 per cent compared to 12 per cent in 2021. In light of the result, the outgoing mayor and SPD leader Franziska Giffey decided to turn to the CDU to form a coalition, and the Christian Democrats seem reluctant to take action on deprivatisation.

However, all is not lost. The right to housing has become a central issue since the mobilisation, and while the municipality is still expected to take action, other initiatives in Germany and internationally seem to be following Berlin’s example.

## **Joining forces**

The fight for the rights of cyclists has also proven particularly effective in mobilising citizens. Over the past four years, over 20 German cities have launched a referendum on cyclo-mobility. These movements and initiatives, named Radentscheid (“wheel decision”) started in Berlin in 2018, when various actors in the cycling community mobilised to organise the first referendum on the matter. Citizens from the German Bicycle Users Federation (ADFC), Greenpeace, and other Berlin NGOs came together to form the Livable Cities network, which later became Changing Cities. In 2016, after drafting a mobility bill, the collective began gathering signatures for a referendum. In just three weeks, over 100,000 citizens joined the initiative, which gained wide publicity and made cyclo-mobility a central issue in the campaign for the Berlin state elections that year.

The resulting left-green coalition came out in favour of the demands and pledged to implement them, making a referendum unnecessary; a new Mobility Act passed in 2018 adopted most of Changing Cities’ proposals, including the construction of new bike lanes and parking spaces, and the redesigning of dangerous junctions.

The success of Radentscheid in Berlin can be explained by the flourishing “bicycle culture”, the favourable electoral context, as well as the enormous enthusiasm and visibility generated during the signature-gathering phase. The example illustrates how bottom-up initiatives can emerge, be structured and achieve very concrete results. Berlin’s experience now serves as a model for other bicycle collectives in Darmstadt, Hamburg, and Stuttgart, among others.

The presence of a conservative mayor in Berlin for the first time after 22 years, however, is bad news for civil society actors, at a time when citizens need to pressure their leaders and governments to take action on climate and social justice.

During the two months of negotiations following the February election, many citizens involved in various local associations mobilised against an alliance between the SPD and the CDU. The BerlinZusammen (“BerlinTogether”) initiative was launched with this goal, and on 18 March more than 2,000 people took to the streets under the banner of a wide variety of citizen collectives. The movement saw the collaboration between Klimaneusart, Deutsche Wohnen & Co. enteignen, and Berlin autofrei (“Car-free Berlin”), among others). In spite of the mobilisation, 54 per cent of SPD’s members voted in favour of a collation with the CDU, and Kai Wegner was appointed mayor.

After the defeat, BerlinZusammen didn’t dissolve and continued to take action, structuring itself as a citizens’ coalition bringing together collectives and associations so that they support each other in their demands. By taking a long-term approach, the coalition aims to respond more effectively to the ecological, social, and democratic emergencies. BerlinZusammen draws inspiration from municipalist movements, in particular Barcelona en Comú, which administered the Catalan capital between 2015 and 2023. The Berlin movement is currently increasing its contacts with elected representatives and associations in the city, to create synergies on concrete actions and define a strategy for the next elections in 2026. “We also want to become a platform that fights for the power of Berliners, with or without voting rights, to transform our Berlin into a social, ecological and fair city,” said Lisa, a member of BerlinZusammen.

## **(Im)perfect tool**

The experiences of Klimaneustart, Deutsche Wohnen & Co. Enteignen, Radentscheid, and BerlinZusammen all illustrate the intrinsic difficulties of direct democratic participation and local

referendum initiatives. If they are to succeed, they require a high level of militant commitment, a favourable electoral timetable, and elected representatives who are open to debate. Local referendums alone cannot be the sole strategy for forging closer links between citizens and political representatives. It is neither fair nor sustainable to base a city's democratic dynamism on the time and commitment (mostly voluntary) of its citizens. Radical or direct democracy initiatives would benefit from a more structural collaboration with elected representatives and coordination with the political agenda. Conversely, representative democracy as it exists in European cities would be more functional and vibrant if it were based on greater citizen involvement.

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Though far from perfect and susceptible to great disappointment among citizens when poorly planned, referendums remain an essential link between citizens and institutions. At a time when opposition to useless or climate-harmful infrastructure projects is on the increase, they can offer a legal and democratic way to turn protest into positive proposals, and prevent the use of repressive state violence as was the case in Sainte-Soline in France or Lützerath in Germany.

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In a gap year in the middle of her Master's degree in ecology "Societies and Biodiversity", Cléa is involved in social and ecological issues. She is active in LUPA at Sorbonne University and participated in the People's Summit for Climate Justice in Glasgow during the COP26. She also contributes to the citizen project "La Route en Communes" which focuses on the municipal level.



After studying geology, Hugo did a master's degree in economics with a specialization in renewable energies. He has been involved in a student representative association, working on the integration of climate issues in academic programs before joining the CliMates research team as a research coordinator.



As a student in ecology, she started getting involved politically within her university, before becoming interested in the local level by interviewing mayors on issues of democracy and ecology. In 2021, she attended the COP26 to learn about international negotiations. She was also part of the Relais Jeunes.

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