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Consequences

**IMPACT OF GLOBALIZATION  
on the direct participation of  
citizens in local self-government  
in the Republic of Bulgaria**





**SOUTH-WEST UNIVERSITY “NEOFIT RILSKI”  
FACULTY OF LAW AND HISTORY  
BLAGOEVGRAD, BULGARIA**



**By:**

*MARGARITA CHESHMEDZHIEVA<sup>1</sup>*

*VESELA MIRCHEVA<sup>1</sup>*

*GALINA PISARSKA<sup>2</sup>*

*ELENA HAYDUSHKA<sup>1</sup>*

Corresponding author: [galina\\_pisarska@abv.bg](mailto:galina_pisarska@abv.bg)

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<sup>1</sup> South-West University “Neofit Rilski”, Faculty of Law and History, Department of Public Law, sq. “Georgi Izmirliiev – Makedoncheto” №1, 2700 Blagoevgrad, Bulgaria

<sup>2</sup> South-West University “Neofit Rilski”, Faculty of Law and History, Department of International Law and International Relations, sq. “Georgi Izmirliiev – Makedoncheto” №1, 2700 Blagoevgrad, Bulgaria

# Purpose of the article:

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This report aims to examine which forms of direct democracy are most often applied in the system of local self-government and what is the result of them in view of the economic independence of municipalities. The comparative study covers the periods before and after the signing of the European Charter of Local Self-Government in 1995 by the Republic of Bulgaria, as well as the periods before and after the accession of our country to the EU in 2007. These two events play a key role in the impact of globalization processes on the direct participation of citizens in local political decision making.

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Local Government



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# RESEARCH METHODS

The methodological tools, used in the research, include ***the comparative analysis*** and ***the comparative-legal method***. The comparative analysis is used to examine the data on the implementation of various forms of direct democracy in local self-government. The comparative-legal method is used to analyse the dynamics of the implementation of forms of direct democracy in local government in the Republic of Bulgaria and the Switzerland as one of the leading countries in the world in which direct democracy is widely applied. It should be borne in mind that both states have signed the ECLSG.



# Introduction

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The Republic of Bulgaria shall be an unitary State with local self-government and no autonomous territorial formations shall be allowed to exist therein (Art. 2, para. 1 of the Constitution of the Republic of Bulgaria). The local self-government is a means of decentralizing state power. In other words, it provides the right and opportunity for the local population (within the respective administrative-territorial unit) to solve local problems independently and on their own responsibility and to meet local needs. There are two ways to achieve this - either through local self-government's bodies such as municipal councils, or through forms of direct democracy in local self-government. Globalization is a phenomenon that affects the development of public relations not only at the supranational, but also at the national level. In this regard, in 1995 the Republic of Bulgaria signed the European Charter of Local Self-Government (ECLSG), adopted by the Council of Europe in 1985, committing itself to implementing in domestic law the principles of local self-government, enshrined in the Charter. After Bulgaria's accession to the European Union in 2007, a new legal framework for the forms of direct democracy was adopted. These two events inevitably include our country in the so-called "globalization process", raising "the larger question of democratic rule in an era of increased globalization" (See Hug, S. (2003). *Voices of Europe: citizens, referendums, and European integration*. Lanham: Rowman & Littlefield, 8).

# Forms of direct democracy in local self-government in the Republic of Bulgaria



Bulgarian legislation envisages as forms of civic participation in the local governance:

- Local referendum
- Local civil initiative
- General Assembly of the Population

# Bulgarian legislation

The first law in the field of direct democracy, adopted after the signing of the ECHR, is the Law on Public Consultation (LPC), adopted in 1996 and in force until 2009. It envisages three forms of direct citizen participation in municipal governance - local referendum, General Assembly of the Population and subscription. The theory of constitutional law however maintains that the subscription is not a real form of direct democracy. After the accession of the Republic of Bulgaria to the European Union in 2007, a new Direct Citizen Participation in State and Local Government Act (DCPSLGA) was adopted in 2009, which repealed the current LPC. At the local level, it also regulates three forms of direct participation - a local referendum, a local civil initiative and a General Assembly of the Population.

## In Bulgaria...

*A local referendum* – it is a direct vote in which the local citizens are invited to vote on issues of local importance. These issues are directly resolved by law within the competence of the local government authorities or bodies of the district/sub-municipal unit.

*A local civil initiative* - its legal essence is expressed in the submission of proposals by citizens to the Municipal Council, the mayor of the municipality, the region or the mayor's office, or to regional executive bodies for resolving issues of local importance. It is carried out by subscription, organized by an initiative committee on the territory of the respective municipality, region, town hall or settlement.



*A General Assembly of the Population* - is held to resolve issues of local importance, which, if appropriate, are provided in the competence of the respective Municipal Council or mayor of a municipality. They are obliged to issue the relevant legal acts for taking the necessary actions within one month from the adoption of the decision of the General Assembly of the Population in the municipality, region or mayor's office, unless it has determined a longer period.



# FORMS OF DIRECT DEMOCRACY IN SWITZERLAND AT A CANTONAL LEVEL



Swiss legislation regulates as forms of citizen participation in political decision-making:

- ✓ Referendum
- ✓ Right of popular initiative
- ✓ Right to petition
- ✓ Right to provoke an accelerated entry into force of law
- ✓ Other forms (counter proposal, assembly of the citizens)



## In Switzerland...

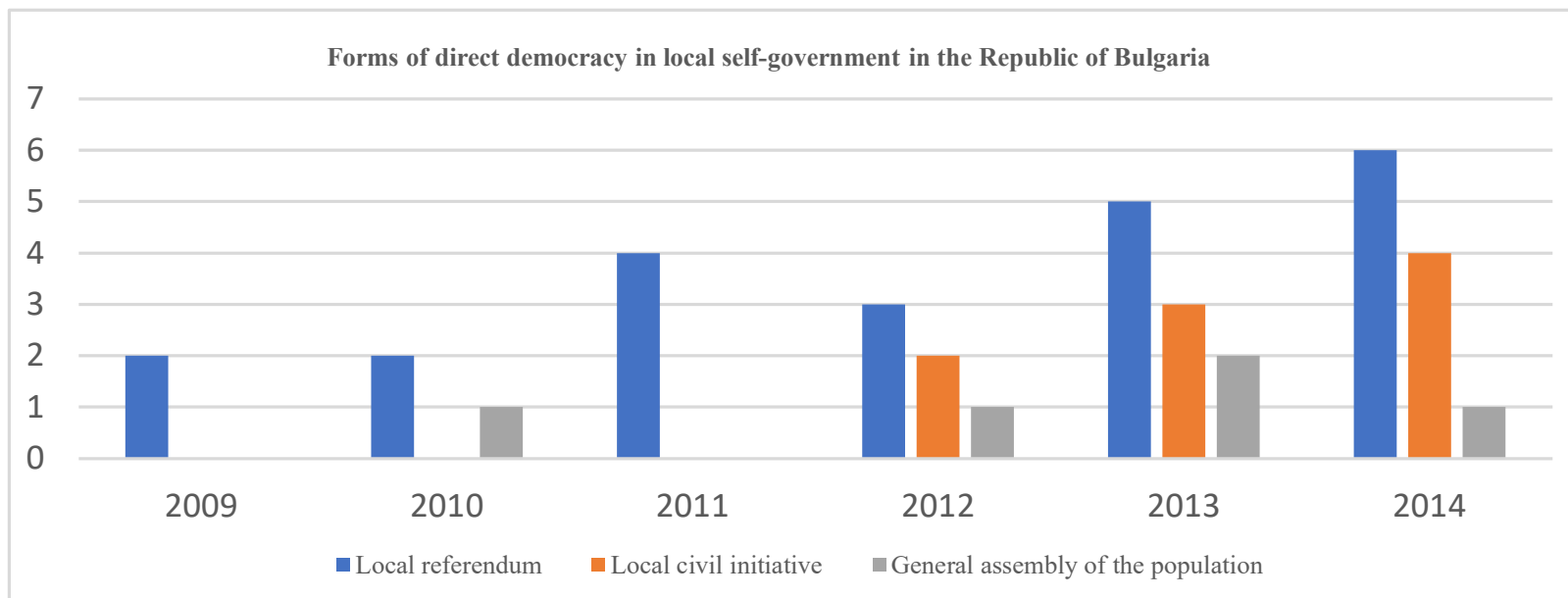


*The referendum* is considered the cornerstone of direct democracy, which allows citizens to have a direct voice of important political issues and engage in public policy issues (See Quinlan, S., Shephard, M. & Paterson, L. (2015). Online discussion and the 2014 Scottish independence referendum: flaming keyboards or forums for deliberation?. *Electoral Studies*, 38, 192). Different types of referendums are regulated – mandatory, optional, partial, variant and etc.

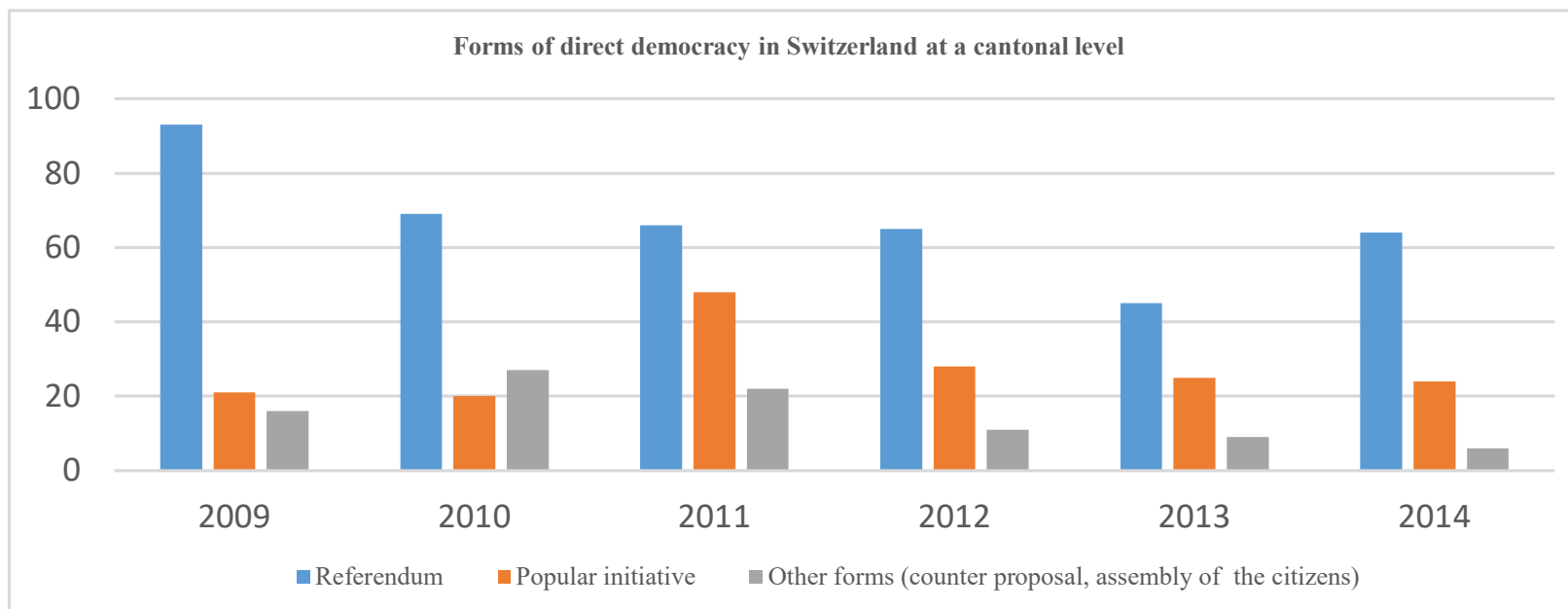
*The right of popular initiative* exists in several Swiss cantons. They offer citizens the opportunity to launch a legislative initiative, which allow people to request a new law or the amendment of an existing one.

*The right to petition* is a fundamental constitutional right of Swiss citizens and can be exercised both independently and in addition to other means of direct citizen participation in legislative process.

*The right to provoke accelerated entry into force of a law* is provided in Art. 35 of the Constitution of the canton of Schaffhausen and it is applied in three hypotheses. First, on laws that do not require a reprieve. These laws may enter into force immediately if two-thirds of the members of the Cantonal Council present vote in favor. Second, if a normative act envisages as a condition for accelerated entry into force of the law the holding of a referendum. And third, if a referendum is requested, but it is not held within one year of the law's entry into force, then that law loses force, and when, as a result of the referendum, the law is rejected.



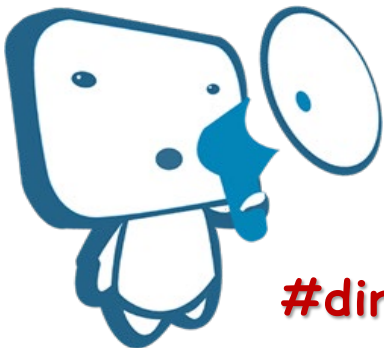
In Bulgaria for the period of 2009-2014 a total of 22 local referendums were held, almost all of which were initiated with the subscription of the citizens. The subject of these initiatives is mainly the implementation of administrative-territorial changes and environmental issues. The graph in the Figure 1 above clearly shows that citizens' interest in direct democracy is growing, which is evidence of their greater commitment to public affairs at the local level. In the Republic of Bulgaria there is no unified public register for local referendums, civic initiatives and general assemblies of the population. Municipalities are obliged under the DCPSLGA to create public registers in which to enter only the proposals for a local referendum, but most of them have not fulfilled this obligation. The lack of summarized information on the direct participation of citizens at the local level deprives the public of the opportunity to assess the state of this important form of local self-government. This, in turn, does not allow the necessary actions to be taken to solve the problems in the development of local forms of direct democracy.



The graphs, presented in Figure 1 and Figure 2, show that the most applied form of direct democracy at the local level is the referendum in both Bulgaria and Switzerland. In second place in a view of frequency of implementation is the citizens' initiative in Bulgaria and the right of popular initiative in Switzerland, and to a much lesser extent the General Assembly of the Population for Bulgaria and the assembly of citizens, counter-proposal and other forms for Switzerland are used. It is noteworthy that for the period under review in Bulgaria the holding of local referendums is constant, while the local citizens' initiative and the General Assembly of the Population have been used permanently for the last three years (2012-2014). In Switzerland, all three forms of direct democracy with different degrees of implementation are traditionally applied. It should also be noted that, unlike Switzerland, which is considered a classic example of direct democracy, the intensity of the application of forms of direct government in local self-government in Bulgaria increased during the period under review. While in Switzerland, although a relative level of sustained realization is maintained, this intensity is declining.

# Findings and Value added

Taking into account the survey of the public registers of the proposals for holding local referendums, which are created and maintained by the chairmen of the municipal councils, it could be concluded that they reflect only the issues that will be put to the vote in the local referendum and the date of its conduction. However, no other information is available, such as the outcome of the voting in the respective local referendum and what measures have been taken to implement the decision, adopted in the local referendum in a case of a positive vote. Therefore, it is necessary to introduce mandatory details of these public registers, which reflect the entire "path" of the local referendum from its initiation to the final result - the adoption or rejection of the proposal, subject to the local referendum, as well as the adopted legal acts for its implementation (see Table № 1). In this regard, it would be rational to be created public registers at the municipal level for the other two forms of direct democracy - the local citizens' initiative and the General Assembly, as well as to maintain a Unified National Public Register of Forms of Direct Democracy in local self-government. Consideration should also be given to removing the quorum requirement for a local referendum so as not to impede its successful implementation.



**#directdemocracy**

The contribution of the research is expressed in tracking the trend in the application of various forms of direct participation of citizens in local government in the Republic of Bulgaria, in outlining the main shortcomings of legal regulations and factors, favoring or hindering the implementation of these forms, and in formulating proposals *de lege ferenda* to improve existing legislation.

No	Registration of the proposal in the Municipal Council	Initiating subject	Question/s	Decision of the Municipal Council /number/	Date of conducting	Outcome of the referendum	Act of the Municipal Council

The Table No 1 above present a model of a public register of the proposals for holding local referendums.

## Image sources:

- <https://www.shutterstock.com/image-photo/global-strategy-solution-concept-earth-jigsaw-393377509>
- <https://pbs.twimg.com/media/DiN1dBSWsAADeVh.jpg>
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**THANK YOU**  
*for your  
attention!*

