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FEDERALISM AND REFERENDUMS IN THE EUROPEAN UNION: DISENTANGLING A COMPLEX RELATIONSHIP

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ABSTRACT

FEDERALISM AND REFERENDUMS REFER TO IMPORTANT POLICY DECISIONS IN DIFFERENT SOCIETIES, BUT SO FAR, THEY HAVE BEEN ANALYSED SEPARATELY. THIS ARTICLE ADDRESSES THE GAP IN THE LITERATURE AND FOCUSES ON THE RELATIONSHIP BETWEEN FEDERALISM AND THE USE OF REFERENDUMS. IT AIMS TO SHOW HOW THE FEDERAL OR UNITARY SYSTEMS COULD INFLUENCE THE USE OF REFERENDUMS AT NATIONAL LEVEL. THE ANALYSIS COMPARES SIX COUNTRIES IN THE EUROPEAN UNION – AUSTRIA, BELGIUM, FRANCE, GERMANY, IRELAND AND ROMANIA – OUT OF WHICH THREE ARE FEDERAL AND THREE ARE UNITARY. THE DATA COMES FROM SECONDARY SOURCES THAT INCLUDE DATABASES ON DIRECT DEMOCRACY, COUNTRY REPORTS, OR WEBSITES OF CENTRAL GOVERNMENTS. THE STUDY COVERS THE MOST RECENT TWO DECADES. THE MAIN FINDINGS SHOW A LIMITED EFFECT OF FEDERALISM ON THE USE OF REFERENDUMS BUT PROVIDES SEVERAL IMPORTANT NUANCES THAT CAN BE USED BY FURTHER RESEARCH.

KEYWORDS: FEDERALISM; REFERENDUMS; EUROPEAN UNION; CENTRALIZED COUNTRIES; COMPARISON

INTRODUCTION

Over the last years, European countries have started to use referendums extensively on different topics that refer to issues either on the national level or European level. Researchers have addressed the topics of referendums through different approaches that include the types of referendums, the level on which those are used, or the topics which usually revolve around European integration and the ratification of treaties. In the meantime, there is also a focus on federal states that includes elements such as the history of the territory, the level of decentralization within a federal state, the powers shared between central institutions and regional ones, or what procedures have the countries followed in order to transform from a unitary state into a federal one.

Why do federal countries use referendums differently than unitary states in the European Union? This question is placed at the basis of the comparison because previous research has not approached the connection between federal / unitary states and the use of referendums. Researchers in the field of federalism and referendums gave less attention to the

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multitude of referendums used in different countries, focusing more on a single referendum or a single type.

The methodology used for the comparison between federal countries and unitary states based on the use of referendums consists of databases that present information containing the characteristics of referendums and secondary literature that explains the regime in the country, the division of powers between the different levels of government and the institutional structure in the selected countries. The federal countries selected are Austria, Belgium, and Germany because these are the ones that are considered federal by the European Union, and the unitary states selected are France, Ireland, and Romania, each of these countries having different characteristics regarding the regime, decentralization, and the years of democracy.

This paper is structured in a logical matter starting with the presentation of the theories used and literature review on the topics of referendums and federalism. It continues with the section regarding research design in which I have explained how the data was collected, the sources and the elements of the comparison. After the methodology section, could be easily identified the analysis which contains information about each country selected, the referendums that were organised, including the years, topics and outcomes, and the answer for the research question based on the data provided by the sources included. There is also a section for conclusions which presents the main findings and the limitations of the research conducted.

LITERATURE REVIEW

This section of the paper will present the literature review on referendums and federalism, highlighting aspects such as the use of referendums, the topics used in referendums, the level at which referendums are used, and the characteristics of federalism, the level of decentralization within a federal state, or the power institutions have in a federal state.

Researchers usually associate referendums with deliberative democracy in which citizens choose freely regarding political matters. Deliberative democracy in general refers to the voice of citizens while referendums are associated with the process of voting [1]. In recent years the referendums have been more and more used for political issues not only in Europe but also in the United States of America. Since the second half of the twentieth century the referendums addressed questions regarding constitutional consolidation and reform, sovereignty transfers, European Union treaty ratification, or the status of overseas territories [2], [3].

In Europe the number of referendums has increased since that second half of the last century the reason being the creation of the European Union and European integration. Many of the non-founding EU nations, including Ireland, the United Kingdom (UK), Austria, Malta, the Scandinavian countries, and particularly most of the Central and Eastern European countries, have held referendums on whether a country should be a member of the EU (or its precursor) (CEECs). Following that, many votes on additional EU treaty revisions were held, most notably in Ireland and Denmark. The European Constitutional Treaty (TCE), which was signed in 2004, prompted a large number of referendum commitments. The EU is still a hot topic in referendums today, as evidenced by the Greek referendum on the country's bailout deal with the Eurogroup in July 2015, the Danish referendum on its opt-out from the area of freedom, security, and justice (formerly the Justice and Home Affairs pillar) in December

2015, the Dutch referendum on the EU's Association Agreement with Ukraine in April 2016, and the referendum on the UK's renewed EU membership conditions in June 2016 [3].

Although the rise in referendum use has been linked to a decline in the relevance of representative decision-making or the "eclipse of legislatures" [4] the academic literature has yet to provide solid evidence that this rise represents a pendulum shift from decision-making by representation to decision-making by direct citizen participation. This uncertainty arises from the fact that such statements are primarily based on aggregated evaluations of referendum practice that do not account for cross-country variability in referendum frequency. In actuality, however, only a few European nations can be termed regular referendum users, and most countries have only had one or a few referendums in the last sixty-seven years [3].

In order to determine if national-level referendum practice in Europe actually constitutes a direct democracy shift, it is necessary to examine not just the various referendum forms and processes, but also the reasons for their institutionalization and usage. It's become conventional wisdom to explain the supposed direct democratic shift as the result of a presumed representative democracy problem [3]. According to the theory, referendums are becoming more institutionalized and employed in reaction to dissatisfaction with representative democracy [5].

The referendum phenomenon may be regarded as a collection of decisional mechanisms and processes that interact with the mechanisms and decision-making processes of representative government when seen as a decision-making process. Although the two sets of decisional mechanisms and processes may be differentiated theoretically and experimentally, the referendum phenomena as a decision-making process is neither autonomous or independent [6]. The referendum phenomenon is characterized by interaction with the mechanisms and processes of the political system in which it operates; different types of referendum votes have varying degrees of involvement.

A referendum, like an election, is a mechanism in which citizens are asked to vote. The referendum, on the other hand, is a direct vote on an issue or policy, whereas the election is about choosing those who will rule. To put it another way, the referendum is a policy-making tool. It is often regarded as a mechanism of semi-direct democracy since it does not allow for public communal elaboration of the proposition given to the vote, but merely a choice between options [7]. The term "referendum," which appears to have originally arisen in Switzerland in the 16th century, is used here to refer to any forms of public votes on issues or policies. Some researchers or institutes prefer to use the terms "referendums and initiatives" interchangeably, with the latter referring to discussions organized by popular minorities [7].

The contrast between mandatory (sometimes known as "compulsory" or "obligatory") and optional (or "facultative") referendums is the first element that has to be taken into consideration. A mandated referendum is one that is legally required as part of the decision-making process on a particular subject. The fact that a referendum is necessary does not imply that it will happen "on its own" or without a trigger. Its initiator is the person who has the authority to begin the legislative procedure that will lead to an obligatory referendum. Most of the time, the law must first be approved by parliament. In reality, the de facto starter may be the prime minister or president of the country if he or she has a majority of votes. As a result, even if the referendum is "obligatory," one or more actors "indirectly" call it. As a result, mandatory referendums can be used in the same manner as optional referendums can be used for non-legislative objectives [7].

Another important element is about the kind of issues that can be presented to a referendum and the scope of popular legislation. A common difference made in this regard is between constitutional and legislative referendums, that is, referendums on constitutional modifications and referendums on regular law concerns. It's worth noting that this difference is based on current rules in most nations, which clearly distinguish between these two normative spheres. Although constitutions often include fundamental topics such as institutions, fundamental liberties, and sovereignty, not all these problems are constitutionalized in all countries. Electoral rules, for example, are classified as regular legislation in several nations, even though they are important institutional concerns. Constitutions, on the other hand, may feature policy options deriving from higher standards established in them, often on societal and ethical concerns, which may be the subject of constitutional referendums although these issues are dealt with through regular legislation elsewhere [7]. The issues that are susceptible to legislative referendums constitute a second distinction. Institutional, international (treaties, alliances), territorial (independence, autonomy, regionalization), socio-economic, environmental, and individual rights are the topic areas that can be distinguished.

The third contrast is whether referendums on traditional problems or legislative subjects are permitted on all or most issues, some issues, or only one or two specific issues. Restrictions must be considered here, such as when referendums are not permitted on financial topics (taxes, public expenditures, finance legislation, or any proposal requiring an increase in public spending), basic rights and liberties, war and peace, international treaties, and so on. More frequently than not, these limits apply to referendums initiated by minorities. Finally, a referendum may be held on a particular topic, such as international treaties concerning sovereignty delegation or a critical problem for a country. As a result, the referendum's scope might be considered limited. Referendums on so-called "special significance problems" may appear to be an important constraint, but they are open to subjective interpretation and do not represent a meaningful limit, even in the few circumstances where they involve popular proposals[2].

In order to analyse the connection between the use of referendums and the type of state, it is necessary to define and give details about the federal states which are the subject of the comparison and analysis. All federal systems feature institutional structures that connect constituent units to the federal level horizontally and vertically through institutional processes that allow for both shared and self-rule [8]. They differ significantly, however, in terms of how they integrate institutional aspects such as the division of competencies or the intergovernmental relations framework. Furthermore, the many forms of federalism have emerged and evolved in a variety of sociocultural situations in which federal systems are entrenched. As a result, federal systems do not just serve diverse objectives or react to different demands; the peculiarities of ideas that provide varied "meaning contexts" [9] for justifying a federal political order are also mirrored in the variations of federalism [10].

Federalism is "a political arrangement in which government functions are shared between regional governments and a central government in such a way that each sort of government has some activities on which it takes final decisions" [11]. The autonomy of these two levels of government is usually guaranteed by a clear statement in the constitution and the presence of a robust judicial review mechanism. Furthermore, the centre and the regions each have their own fiscal foundations and are held directly accountable through elections. As a result, federation central governments have a considerably stronger institutional position than subnational governments, and they must work together with subnational units to properly manage their political and economic interactions [12].

Both the set of rules that govern the interaction between levels of government, such as judicial review or representation of regional interests in the federal legislature, and the specific decentralization agreements that define the distribution of powers between the centre and the subnational units, differ significantly between federations. The former institutions are more resilient because they are more likely to be identified in the constitution and thus less susceptible to change over time, whereas the distribution of fiscal and policy authority between levels of government is more likely to vary due to changes in governments' preferences or relative bargaining power [12]. The way regional concerns are represented in the federal legislature varies greatly between nations, both in terms of how the upper chamber's MPs are chosen and their relative power to change majorities in the lower house [13]. Representatives are directly elected from territorial districts in certain nations (Brazil, the United States), while they are appointed by regional incumbents (Germany, Austria), the prime minister (Canada), or national lawmakers in others (India and Austria). The manner in which delegates are chosen may have an impact on how regional electorates are represented in the federal legislature: direct election by the territory's population may facilitate direct representation of local preferences, whereas indirect appointment allows national political parties to play a stronger role in mediating regional constituency representation.

Federalism is commonly seen as an institutional approach for improving government accountability and control. This promise is based on the assumption of clear vertical authority distributions between levels of government. However, empirical evidence suggests that the intertwined division of governmental authority in some federations is associated with ambiguous responsibility attribution [14], despite evidence from the United States and the European Union indicating that voters distinguish between levels of government [15].

Despite the appearance of convergence or similarity in trends as a result of decentralizing reforms in several federations, and despite aggregate data indicating increasing legal or fiscal decentralization, federations actually change in many different ways, across various dimensions, and at different rates. Because most federations face similar external and internal pressures, their proclivity for change, as well as the mode and pace with which their institutions change, has an impact on their problem-solving capacity, ability to resolve conflict, power redistribution or balance, and legitimacy in the face of social change and exogenous circumstances [16].

The study of federal systems has resulted in a number of typologies that attempt to arrange the complexity and diversity of federations. Each of these typologies, on the other hand, is based on a certain viewpoint and emphasizes specific characteristics, attempting to explain, expressly or implicitly, key elements of how federal systems operate in general and grow. Traditional typologies, such as representative institutions and executive–legislative interactions, were based on a single dimension. They differentiate between presidential and parliamentary federations [16]. Another frequently used criterion has been the mode of formation, with a typical distinction between integrative, evolutionary, or union federalism (for example, the United States and Switzerland) emerging among separate states or regions for common defence or economic reasons, and more devolutionary, disintegrative federal building, or holding-together federalism (for example, Spain and Belgium) emerging among separate states or regions for common defence or economic reasons [16].

The most common distinction has been made between a cooperative, collaborative, power-sharing, or integrated model of federation on the one hand, and the dual, competitive, and separation model [17], on the other, in terms of the type of predominant intergovernmental relations or the degree of interlocking or cooperation between levels of government. Other typologies take into consideration the influence of social dynamics,

highlighting the degree of politicized or mobilized social and ethnic diversity, or the structure of citizen preferences or identities within distinct component units, while remaining one-dimensional. Based on whether constituent units reflect ethnic, religious, or linguistic cleavages or not, it has been common to distinguish between mono-national and multinational federations [18], congruent and incongruent federations [19], cultural, ethnic federations or ethno-federalism versus non-ethnic federations or territorial federalism [20].

Even though exist different types of federal systems and a federal state could be more or less decentralized, at some point each of these countries will put in place referendums on different issues identified either at local level or national level. There is no clear connection between federalism and the use of referendums because this is a mechanism that does not require a special of organisation of the state.

RESEARCH DESIGN

In order to create a comparison based on the connection between the use of referendums in federal and unitary states were selected countries that are member states in the European Union. The countries chose for the analysis are Austria, Belgium, Germany, France, Ireland, and Romania. The first three countries are considered federal states and the other three are unitary states. Between the unitary states selected, each of them has different characteristics France being a country with devolved powers, Ireland using referendums intensively and Romania still being considered a new democracy. Even though several authors consider more European countries as federal, the countries were selected from the ones that are member states in the European Union, narrowing down the options for case selection.

The approach for comparison between referendums in federal and unitary states is constructed on the types of referendums used in each of the countries selected, the topics approached through those referendums, the level on which the referendums were used, since they could be used on local, regional, or national level. The period included in the comparison and for data collection is the last twenty years (2001-2021). I have selected this period of time because the previous referendums held in Austria, Belgium, Germany, France, Ireland, and Romania approached topics on the formation of the state, changing territorial boundaries or including different territories within the frontiers of the older states, excluding the topics identified in the referendums that took place since the beginning of the twentieth century.

The data collected for the comparison comes from three different databases which include referendums at local / regional and national level. One of the databases used is Centre for Research of Direct Democracy (www.c2d.ch), and the other one used is called Navigator of Democracy International (<https://www.democracy-international.org/>). Even though the Database and Search Engine for Direct Democracy (www.sudd.ch) is not highly reliable it was used to identify all the initiatives that took place in the countries previously mentioned. The key words used when searching through these databases were: Austria, Belgium, Germany, France, Ireland, Romania, referendum, mandatory, level, top-down, and bottom-up. These key words could be also identified in the analysis and comparison of the factors used to highlight the results. The databases used help in categorizing the policy issues addressed through referendums over time because each of them includes different types and categories of referendums.

Regarding the selection of secondary literature, this took place based on similar key words, adding others such as federalism, federal states, and institutions in federal states.

These key words helped in selecting the appropriate information that covers the characteristics of the countries and the use of referendums in each of them. The secondary literature implicates document analysis which is considered a qualitative research method. Skimming, reading, and interpretation are all steps in the document analysis process. This iterative technique combines content and theme analysis aspects. The process of organizing material into categories linked to the research's primary concerns is known as content analysis.

ANALYSIS AND COMPARISON BETWEEN COUNTRIES

The factors used in building the comparison are based on elements found in each country, such as the type of the regime, the number of the referendums, and the topics approached through each referendum that has taken place in the countries selected.

Austria is a federal republic with a parliamentary republic comparable to Germany's. The Austrian instance is interesting from a comparative standpoint because of the country's strong ties to a bureaucratic Rechtsstaat public administration. The main governing mechanism is thus formal rules and regulations, as well as bureaucratic hierarchical steering based on the constitutional concept of directives. Austrian public administration has always placed a high value on processes, rules, and directives, with legal and procedural accuracy taking precedence above performance [21]. The Austrian federal government is distinguished by a highly diversified 'administrative zoo' of diverse agency kinds. The fact that there are virtually no restrictions on the precise form of forming an agency allows for a wide range of organizational structures, however a legal foundation is always necessary. When a statute is necessary for corporatization, a particular decree (Verordnung) is utilized to provide administrative-unit agency status in accordance with the flexibility clause [21]. Based on past analysis in Austria were identified four categories of agencies: subordinate agencies, flexi-agencies operating under the flexibilization clause, legal entities based on public law, and legal entities based on private law.

During 2001 and 2021, the Austrian institutions called the population to vote in one referendum that took place on a national level. The topic of the referendum that took place in 2013 was "Future of the army: professional army or general conscription". The referendum was initiated in a top-down manner, this meaning that a political institution proposed the mechanism, and the outcome of the vote was positive.

Belgium had a consensual and pillarized society for a long period, with a history of coalition governments. It has a strong administrative law and Rechtsstaat legacy, and the administrative system's essential characteristics are based on the Napoleonic era. Its administration's highest echelon of public managers is extremely political. The Belgian unitary state has been increasingly exposed to federalization since the 1970s, culminating in a federal state with a complex internal structure. Flanders and Wallonia are the two primary member areas, with the Brussels region and the German community occupying a unique position. Most federal domestic service delivery tasks, in particular, have been delegated to regional governments. We address agencification at the federal level in this book, as well as the differences in practice between the Flemish and Walloon levels [22].

The history of agencification at the regional level in Flemish and Walloon starts in 1970 with the first state reform. The second state reform in 1980 provided regional governments (Flanders, Wallonia, and Brussels) the authority to construct public law agencies in the increasingly regionalized policy areas (welfare, health, environment, tourism, housing, and employment) under the 1954 statute. However, the 1988 "great" state reform,

which included the regionalization of main competencies (education, public works and transportation, and economic policy), resulted in a surge in the number of public-law agencies across the country [22]. According to survey data from 2003–2004, half of all Flemish agencies were founded between 1991 and 2003, with the most active era of formation occurring between 1988 and 1996. For example, by 2003, the Flanders area had 52 public-law agencies, the majority of which were established under a *sui generis* legislation between 1988 and 1992.

Based on the databases analysed, in Belgium the authorities have not created a referendum since 1950, that year being out of the period of time included in comparison proposed for this paper. Even though Belgium is a federal state that consists of two regions (Flanders and Wallonia), the referendums are not a mechanism used on local, regional, or national level.

Germany is a parliamentary republic with a federal government. The execution of federal policy is often assigned to state (in German: *Länder*) and municipal government levels (executive federalism). As a result, only a few federal agencies operate with a decentralized organization that includes regional or local field offices. Federal agencies also have highly specialized duties and minimal direct touch with citizens when compared to state and municipal bureaucracy [23]. In most cases, parent ministries and agencies have a clear hierarchical link.

The constitutional concept of departmental sovereignty states that each minister is responsible for his or her own departmental issues while adhering to the chancellor's political instructions and cabinet decisions. This means, among other things, that a minister can reorganize a department without formally obtaining the approval of the head of government or the cabinet. In addition, each minister has broad responsibility to oversee agencies' administration (structure, personnel, budgeting, and reporting) as well as policy concerns (policy priorities, strategic planning, single-case decisions) [23]. The minister's political responsibility to parliament goes hand in hand with the minister's hierarchical relationship with the ministerial bureaucracy and the agencies within the ministry's area of responsibility, ensuring an unbroken chain of democratic control from the voters to the government and its bureaucracy [24].

The policy areas for which policy execution is not transferred to the state or local levels of government are specifically mentioned in the constitution. Inland waterway administration, customs and tax administration, military civilian administration, border police, and foreign service administration are all included in the so-called compulsory federal administration. In addition, in the so-called optional administration, agencies and other public entities may be established in other policy areas within the federation's competence. Simple law can form federal agencies without regional or local offices, but states must approve to the creation of decentralized agencies in policy domains other than those specified above. Large entities with significant service-delivery activities and a decentralized structure with regional and local sub-units make up the obligatory federal administration [23].

Even though in Germany were conducted referendums on a national level in the period mentioned in the methodology section, the databases consulted showed a high number of referendums at subnational level most of them being initiated by citizens. Most of these referendums addressed law that already existed but which had to be modified in order to please the citizens and their application. The reason for the missing referendums at national level is that the national government does not allow the implementation of mechanisms that might affect the functioning of other institutions at regional level. As was mentioned before,

Germany relies on the capacity of local institutions to manage their laws being a highly decentralized state.

In France in February 1989, the then-prime minister launched the 'Renewal of the Public Service' reform initiative (*renouveau du service public*). It was a watershed moment in the modernizing of the French government. The initiative pushed for the formation of 'more independent administrative units' inside the state administration, known as responsibility centres, among other things.

The responsibility centres were primarily defined by a certain task (*projet de service*). Second, they were meant to have some personnel-management autonomy, but this autonomy was never fully realized, despite the fact that it was offered. Third, via a globalization of appropriations, a delegation from the ministry of strengthened financial powers to centre managers, and a relaxation of financial (*ex-ante*) oversight, the responsibility centres would be provided more expanded financial-management autonomy. Fourth, there would be a contractual link between responsibility centres and their parent administration. The experiment focused on state territory administration units (*services déconcentrés*), who were required to participate in 1995 [25].

In France all the autonomous public institutions have a twofold relationship with the state: the affiliation (*rattachement*) and the control (*tutelle*). There exists a connection between this two but cannot be confused, even though the use of *tutelle* to represent both relationships can be misleading. The affiliation concept refers to an autonomous public body's reliance on the state and its close ties to it. It comes from the fact that an autonomous public entity is (1) founded by the state, (2) primarily funded by the state, and (3) has state-level responsibilities. Even if the affiliation principle's consequences are not yet established, they are critical since affiliation entails the state's presence on the board, involvement in strategic oversight, and participation in the decision-making process on major strategic choices [25].

The *tutelle* principle is a continuation of the affiliation concept, but with a few differences, the most important of which is that the *tutelle* must always be clear, that is, founded on legal documents. The concept of *tutelle*, which deals with control and penalties, is particularly difficult to comprehend since it refers to both the powers of control and the administrative structure in charge of them, as well as the affiliation itself in a broader sense [25].

Taking into consideration the fact that France is not a federal state, but a country with devolved powers, the number of referendums does not increase dramatically. Between 2001 and 2021 in France was organised only a referendum in 2005 on the topic of the European Constitution. This referendum was oriented to European affairs, existing a top-down approach, but it was rejected by the French population.

Agencies have always been a part of Ireland's administrative landscape, but agencification has advanced in the recent two decades, as it has in many other OECD member nations. Agencies have been formed haphazardly in a wide variety of policy sectors, with a wide range of size, purpose, legal status, autonomy, and accountability structures. Although there is a codified constitution and a publicly elected president with restricted powers, Irish administration is largely based on the Westminster and Whitehall public-interest and common-law traditions. The main accountability connection between the political and administrative sectors is ministerial accountability to *Dáil Éireann* (the lower house of the Irish parliament, or *Oireachtas*). The constitution only allows for 15 ministries, and the cabinet-style administration maintains a high degree of centralization. Local government is the only other elected layer, and it has no budgetary independence or control

over the execution of its restricted powers [26]. The 'lack of clarity in the role and connection between line departments and their agencies' has been a key modern concern in respect to the administration of Irish state agencies.

To date, Irish referendums have had a variety of unique characteristics. Unlike in the United Kingdom or Switzerland, they are held solely at the national level. They are also distinct in that they have always dealt with constitutional changes up to this point. As a result, referendums in Ireland have been driven by either legal necessity or a desire to grant certain regulations constitutional validity, rather than any political intention to utilize a referendum as the primary decision-making method. The attorney general's legal opinion to the government that this step is constitutionally essential to give effect to a certain policy choice or to entrench a particular rule in the Constitution usually determines whether a referendum is held. In terms of its appropriateness, this compromise between the conflicting claims of direct and representative democracy appears to enjoy widespread public approval [27].

The Irish referendums in which the citizens participated between 2001 and 2021 exceed the total number of 15, this mechanism being highly used in Ireland. The topics on which the referendums revolved are liberalising divorce laws, blasphemous matters, abortion laws, same-sex marriage, age for candidacy for Presidency, abolishment of Senate, establishment of a Court of Appeal, children's rights, the treaty of Economic and Monetary Union, powers for parliamentary commissioners, remuneration of judges, Treaty of Lisbon, constitutional rights, Treaty of Nice, protection of human life, ratification of the Rome statute, abolition of death penalty. Out of the countries selected for comparison, Ireland is the only one which considers referendums an instrument through which it connects the institutions with its citizens. The topics presented in Table 1 cover national issues and European matters that were both adopted or rejected.

<i>Year</i>	<i>Topic</i>	<i>Outcome</i>
2001	Ratification of the Rome Statute of the International Criminal Court	Adopted
2001	Treaty of Nice	Rejected
2001	Abolition of death penalty	Adopted
2002	Treaty of Nice	Adopted
2002	Protection of human life in pregnancy	Rejected
2004	Constitutional right to Irish citizenship only for children of Irish parents	Adopted
2008	Treaty of Lisbon	Rejected
2009	Treaty of Lisbon	Adopted
2011	More powers for parliamentary commissions	Rejected
2011	Possibility to reduce the remuneration of judges	Adopted
2012	Treaty on Stability, Coordination and Governance in the Economic and Monetary Union	Adopted
2012	Children's rights	Adopted
2013	Abolishment of Senate	Rejected
2013	Establishment of a Court of Appeal	Adopted
2015	Reducing the age of the candidacy for President from 35 to 21	Rejected
2015	Legalizing same-sex marriage	Adopted
2018	Repeal of offence of publication or utterance of blasphemous matter	Adopted
2018	On overturn of abortion ban (Repeal of the Eighth Amendment)	Adopted
2019	On liberalising divorce laws (thirty eighth amendment)	Adopted

Table 1: Referendums held in Ireland 2001-2021

The constitution of Romania governs the formation of agencies. 'Other specialized agencies can be formed under the Executive or under Ministries, or as public autonomous authorities,' according to article 116. Executive agencies can only be established by the

government or ministries if the law permits it and after consultation with the Romanian Court of Accounts, whereas autonomous public authorities, which are subservient to the parliament, can only be established by the parliament through organic law. Executive agencies are just one sort of public body in Romania, and it's difficult to say how popular they are because no thorough assessment of all extant public bodies has been carried out to yet. It's difficult to say how widespread the expansion of public-sector organizations and agency-like entities is without a broad assessment of the total population of public bodies. Nonetheless, an attempt may be made to determine how common such structures are in various policy disciplines and if particular areas are more susceptible to agencification than others [28].

The agencification process in Romania did not follow a predetermined course, and it was not accompanied by a heated discussion over how it should be carried out, in what domains, and on what grounds. Although there were occasional hints of cooperation and strategic emphasis, it was more of a gradual progression. Agencies existed before 1989 and were previously created in the 1990s, but a legal agreement governing agencies was not enacted until 2001. The aim of this text was on overall public-administration reform, particularly agencification. It was known as the 'Governmental Strategy for Accelerating the Public Administration Reform Process,' and it included a wide range of topics, including central government, local administration, decentralization, deconcentration, civil-service reform, privatization, and outsourcing [28].

In the first years of the democratization process, different changes took place in Romania's political institutions which led to several plans supposed to improve the functioning of those institutions. In the meantime, the country's leaders started to use the referendums on several issues that came along with the democratization process, including the constitutional reforms which were implemented. It is important to take into consideration the fact that Romania has a semi-presidential systems in which the president and the prime minister share the executive powers [29]. The 1991 constitution (and its updated version from 2003) distinguishes between two sorts of referendums: mandatory having binding effect exclusively on constitutional issues and impeachment proceedings, and top-down initiated (by parliament and president) with a consultative character [29].

Table 2 summarizes the topics, type and outcomes of referendums held in Romania in the last twenty years. More than half of the referendums from that period of time were adopted and most of them being a "top-down" type. Between these referendums one was held on a bottom-up initiative, which means the initiator was represented by another representative than the president or prime minister.

YEAR	TOPIC	TYPE	OUTCOME
2003	Constitutional reform	Mandatory	Adopted
2007	Majoritarian electoral system	Top-down	Rejected
2007	Impeachment of President Basescu	Mandatory	Rejected
2009	Reducing the number of parliamentarians to maximum 300	Top-down	Adopted
2009	Introducing unicameral parliament	Top-down	Adopted
2012	Impeachment of President Basescu	Mandatory	Rejected
2018	On definition of family (prohibiting same-sex marriage)	Bottom-up	Rejected
2019	Prohibiting the Government from passing emergency ordinances concerning the judiciary	Top-down	Adopted
2019	Prohibiting amnesties and pardons for corruption offences	Top-down	Adopted

Table 2: Referendums in Romania between 2001-2021

The first referendum mentioned in table 2 is represented by the Constitutional reform which was necessary considering the fact that Romania has already started the democratization process and the procedures to become a member in NATO and the European

Union. The country's anticipated EU membership gave a suitable occasion to introduce constitutional modifications. The country was needed to offer European people with rights such as the right to property, the ability to vote in local and European elections, and the right to be elected in local elections as part of its preparation for admission. In addition, the constitution needed to include European Parliamentary elections, European regional policy, and the prospect of entering the Eurozone in the future. The concerns of state sovereignty, which had to be changed as soon as Romania became a member state, were also crucial.

Having a clear delimitation between federal and unitary state, and the number and topics of referendums the comparison is clearly identified. As mentioned before in the federal states selected (Austria, Belgium, and Germany) only one referendum at national level was identified in Austria in the period 2001-2021. Also, the referendum in Austria addressed a national issue, future of the army, the outcome being positive. On the other hand, in unitary states were held a lot more referendums than in federal states, the majority of referendums being initiated on a top-down approach. The data collected from three different databases proves that unitary are more likely to put in place the mechanisms that call the citizens to ballot boxes. Federal states use referendums differently than unitary countries because the decentralization process and the shift of powers from central governments to regional or local governments allows each region to adopt the necessary legislation based on their characteristics. Most of the federal countries focus first on the function of the regions and, only after, on the well-being of the country. Also, there is a logical explanation for why federal states use referendums differently: between the federal states selected only Austria allows national referendums, Belgium and Germany having different historical arguments for not allowing them.

CONCLUSIONS

The extensive use of referendums in Europe over the last two decades has showed that countries use them on different levels of government, addressing a multitude of topics that concern citizens and the functioning of political institutions within a country. The construction of the European Union is considered to be the generator of referendums not only on European integration, but also, on European affairs and ratification of the treaties in the member states.

Federalism is considered a political organisation of the states through which the central powers are divided between regional and local authorities. Federalism is usually thought of as an institutional strategy for increasing government responsibility and control. This promise is predicated on the assumption of unambiguous vertical authority distributions across government levels. In terms of the type of predominant intergovernmental relations or the degree of interlocking or cooperation between levels of government, the most common distinction has been made between a cooperative, collaborative, power-sharing, or integrated model of federation on the one hand, and a dual, competitive, and separation model on the other. While remaining one-dimensional, some typologies take into account social dynamics, stressing the degree of politicized or mobilized social and ethnic variety, or the structure of citizen preferences or identities within separate component units.

As identified in the previous section, in the federal countries selected for analysis and comparison only one referendum was used for a national issue in Austria. The reasons given for this outcome after the analysis of the databases and secondary literature are the opportunity to decide on laws at the local or regional level given by the central governments and the focus on issues concerning each region and its citizens. The differences in the use of

referendums lie on the facts that Austria, Belgium, and Germany avoid national referendums constructing the arguments on historical reasons and current characteristics identified between regions and consider that only referendums based on constitutional reform have to be held at the national level. At the same time, we have seen that unitary states use referendums on several topics which focus on constitutional reforms, modifications of the legislations that already exist, or on European affairs that concern the citizens of the respective countries.

Considering the number and the topics of the referendums held in the six countries selected, the limitations of the research are based on the level of analysis. For example, a research based on the comparison between the topics of the referendums held at subnational level in federal countries and the ones used in unitary states could be the subject of a further analysis that could go in deep.

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