

# OMNIBUS

gemeinnützige GmbH für Direkte Demokratie



## A Drive to Introduce Referendums

Direct democracy means the possibility of direct legislation by the people through referendums preceded by free public information campaigns. Without this instrument, democracy is imperfect. Free people must be able to decide for themselves about the issues affecting their communities. Referendums make it possible for people from all walks of life and fields of endeavour to have their proposals enter the public debate and the political decision-making process.

The OMNIBUS FOR DIRECT DEMOCRACY IN GERMANY is a self-governing cultural enterprise. It is registered as a “non-profit limited liability company” in the commercial register of the city of Düsseldorf. Responsibility is shared by Brigitte Krenkers, Werner Küppers, Michael von der Lohe, Johannes Stüttgen, Kurt Wilhelmi and their respective staff members.

We are a citizens’ action committee and are not affiliated with any political party. We have neither a lobby nor a target audience. Our work does not fit into the classical right/left dichotomy but is geared towards anyone and everyone who shares our long-term goal of laying the foundations for genuine democracy. In the process, we are learning to understand and use our vote as a creative instrument so that we can live up to our collective responsibility for the form our society takes.

## OMNIBUS = (Lat.) for all, by all, with all

This definition should be taken literally, for the OMNIBUS can only take to the road because more than 3,000 people have already been so moved by the experience that they have decided to get on board, making a financial contribution of their choice. All of them understand that the OMNIBUS is a citizens’ vehicle whose scope of action anyone can actively help to determine. For over six years now we have been travelling the country with the OMNIBUS and speaking with people everyday about the idea of referendums.

“All state authority is derived from the people.  
It shall be exercised by the people through elections and  
other votes....” (Art. 20/2)

That is what our federal constitution states, and has done since 1949! Elections are governed by electoral law, but until now there has been no law governing referendums, although surveys repeatedly show that a large majority of eligible voters (on average 75% of voters of all parties) favour legal provisions for nationwide referendums. Without referendums democracy cannot thrive, for democracy is not a condition but rather a living process that requires the active and responsible participation of all citizens. The party-state as we know it has become an end in itself and, as all of us today can sense, it is hopelessly overwhelmed by the task of shaping society.

## “People for Referendums”

The OMNIBUS brings along a concrete draft law on referendums that could govern nationwide referendums (on the Web at [www.omnibus.org](http://www.omnibus.org)). Furthermore, on its travels it gathers signatures for this draft law as part of the action “People for Referendums”, which it sponsors together with the nationwide association “More Democracy” (Mehr Demokratie e.V., [www.mehr-demokratie.de](http://www.mehr-demokratie.de)), just as if referendums already existed. The draft law foresees a three-step procedure (popular initiative/ popular petition/ referendum), a model that has everywhere proven its merits in practice. The first step in this “referendum on the referendum” was already taken on 13 March 2003 when we, together with “Mehr Demokratie e.V.”, handed over a document containing the required 100,000 signatures to the representatives of all the political parties and the vice president of the Bundestag in a public action in front of the Bundestag. As we do not pin our hopes on the political parties, OMNIBUS continues to gather signatures as a declaration of the citizens’ desire for nationwide referendums to be introduced, and we will continue to do so until this goal has been achieved.

## The Development of Direct Democracy in Germany

The non-profit organisation OMNIBUS and the association “Mehr Demokratie e.V.” have been working for over 15 years on the development of direct democracy. Thanks in part to our efforts, all of the German federal states have now introduced legal provisions for state-wide and local referendums. However, most of these provisions are still ineffectual, i.e., the legal hurdles for popular petitions and referendums are still set far too high (required number of signatures for a petition, required quorum for a referendum, etc.). Precise information on the various regulations is available from OMNIBUS. We campaign everywhere for fair and user-friendly voting regulations. Where we have been successful (Bavaria 1995, Hamburg 1998, Thuringia 2001, in each case through state-wide popular petitions) the citizens have immediately embraced this instrument ([www.forschungsstelle-direkte-demokratie.de](http://www.forschungsstelle-direkte-demokratie.de))

## Referendums in the German Federal States

In this connection, the citizens' initiative for referendums, which OMNIBUS co-launched in Bavaria in 1995 and which led to the introduction of referendums on the local level, marks a threshold event and our first major success. This event has had a profound and lasting effect on political culture in Bavaria (in the intervening years, more than 1400 referendum petitions have been filed!) and the subject of direct democracy has entered the public debate throughout Germany. Everywhere the legal possibilities of direct democracy have been plumbed and initiatives launched to improve on or introduce it. In the past ten years there have been more than 160 initiatives for referendums on the state level (56 in the past four years alone). However, one out of every four petitions was declared invalid by the state parliaments. Here so-called financial reservations played a large role. When the state budget, the use of taxpayers' money or the issue of politicians' salaries were affected, the people were sidelined. However, the tide seems to be turning as more and more citizens' action groups refuse to accept this obstructive behaviour on the part of the "people's representatives" and are fighting such decisions in court. In 2001 the Federal Court of Lower Saxony upheld the validity of a referendum on the financing of day care centres, while the Saxon State Constitutional Court, in its ruling of 11 July 2002, stressed the equality of status of parliamentary and popular lawmakers and found that the popular petition "The Future Needs Schools" was still admissible even when it had financial consequences. The effect of these rulings could also be felt in other federal states. At least on the level of the Länder, popular pressure has set a lot of things in motion. It is obvious that we ourselves will have to fight for our voting rights as citizens. The political parties have never introduced such rights on their own initiative: Why should they?

### Example: Hamburg

On 13 June 2004, by means of a referendum, the citizens of Hamburg gave themselves a new electoral law. No such vote had ever taken place before! Until then, elected officials had decided how they wanted to be elected. In Hamburg, for the first time, the sovereign citizens decided how they wanted to vote. In this way, Germany's most modern electoral law came into being, according to which the voters no longer have to vote by fixed party lists but for multiple candidates across party lines. The referendum was the fruit of many years of effort on the part of the association "Mehr Bürgerrechte/More Civil Liberties", supported by OMNIBUS and "Mehr Demokratie e.V./More Democracy". In the same time period there were four more successful popular petitions on the state level. Hamburg thereby became the federal state in which a lively culture of direct democracy developed and in which citizens most whole-heartedly embraced and made use of their voting rights. This was too much democracy for Hamburg's Christian Democrat government. It passed a law that made the general conditions for holding referendums much more difficult and cynically mocked the citizens' democratic political engagement. But the citizens of Hamburg had been emboldened by their experiences on the ground. Under the slogan "Save the Referendum", the largest action alliance in the city's history launched two referendums to repeal the restrictions. Hamburg thereby became a hotspot for direct democracy to which we should all direct our attention ([www.rettet-den-volksentscheid.de](http://www.rettet-den-volksentscheid.de)).

## And the consequences...

The example of Hamburg made many people aware of the issue of voting rights, and in the spring of 2006 a popular initiative was launched in the federal state of Bremen under the slogan “More Democracy in Voting/ Mehr Demokratie beim Wählen”. For this reason, the OMNIBUS chose to start off its 2006 tour in Bremen. In freezing temperatures, we helped to gather the minimum 5000 signatures required for the petition to be filed. By the time we submitted the petition we had collected 7000.

When the poll took place in the autumn of 2006, people from all over Germany once again lent their support to the initiative. The OMNIBUS remained in the city for more than month and for several weeks, instead of driving around, stood parked across from the main railway station, where it served as a central polling station. With 70,000 signatories, the petition was so successful that the government adopted the initiative’s draft law without the referendum itself having to take place!

Instead, in the spring of 2007 a popular initiative on the subject of voting rights was launched in North Rhine-Westphalia, which the OMNIBUS actively supported.

## 3,305 citizens’ petitions and 1,610 referendums in Germany’s cities and municipalities

These incredible figures (as of summer 2006) show that an extremely lively practice of popular initiatives already exists on the local level, although the legal regulations – except in Bavaria and Hamburg, where citizens introduced them themselves by referendum – are still anything but user-friendly. Despite the high procedural barriers, popular initiatives and referendums are on the increase everywhere. Because of their regional character, these many votes naturally do not receive the media attention they should, and many people are unaware that direct democracy is already making great strides. In 2005, Berlin was the last federal state in Germany to introduce the municipal referendum. In the first nine months there were 11 citizens initiatives in Berlin’s boroughs! This shows that as soon as people have the legal possibilities they immediately become active and use their right to vote. There is no sign here that people are sick and tired of politics!

## Example: The Electricity Rebels of Schönau

Since the early 1990s the citizens of the little town of Schönau in Baden-Württemberg have felt rather like the Gauls around Asterix and Obelix facing the all-powerful Roman Empire. Their magic elixir was the referendum. In two votes, against massive pressure from the electric power companies and the disbelief of local politicians, they managed to push a citizen’s takeover of the local electricity grid. Today Schönau is considered a model of environmentally friendly energy policy. Since the liberalization of the energy market, people all over Germany can purchase electricity from Schönau.

## The Sell-Out of our Essential Resources is Well Underway

Both the German constitution and the European Basic Treaty expressly place the provision of public goods and services (known in German as Daseinsvorsorge), i.e., public property, under the sovereignty of the municipalities. After all, these are the polity's fundamental resources, which have been created collectively by the citizens and represent communal property. At most, politicians elected for a limited tenure of office may manage this communal property as trustees, but it does not belong to them! For structural reasons, however, German municipalities are currently in a desperate fiscal situation (cities such as Frankfurt or Munich, not to mention Berlin, are virtually bankrupt) and have begun to sell off anything not nailed down to bolster failing budgets. They have been grabbing public utility companies, sewage systems, waste incineration plants, streets and squares, public transport systems, exhibition halls, hospitals and even drinking water.

The GATS treaty (General Agreement on Trade in Services), which is being drafted by the World Trade Organization (WTO) behind closed doors and without any democratic oversight, is intended to regulate such trade in the essentials of life in a manner binding under international law. If ratified, it would supersede all other laws and international agreements. Environmental treaties or even human rights could be thrown on the dust heap. Nearly every area of life, including education, health, social welfare, agriculture, the energy supply, drinking water and intellectual property rights, would be commoditized to maximize profits. Nevertheless, our government and the European Union are simply allowing this takeover by the multinational corporations, including by instituting so-called reforms that sacrifice all of the social achievements of recent decades. This is inimical to our constitution, which enshrines the sovereignty of the people and calls upon us to resist attacks on our democratic system.

## The Referendum is the Strongest Democratic Instrument for Maintaining the Sovereignty of Human Beings over our Essential Resources!

More and more people want to stop this sell-out. They are taking the information from the town halls to the public. They are using the existing regulations concerning referendums and, because of the urgency of the situation, are surmounting the high barriers that our legislation has set up to referendums. Numerous referendums in Germany have already succeeded in preventing the privatization of public property.

## A few heartening examples:

- The citizens of Ottobeuren prevented the sale of municipal water rights
- In June 2001, the citizens of Münster voted by a two-thirds majority against the privatization of their public utility company
- In the first county-wide referendum in Schleswig-Holstein, a solid majority in North Frisia voted in to keep the four county hospitals publicly funded
- In Düsseldorf in May 2001, nearly 90 % of voters rejected the privatization of the public utility company
- In Kulmbach, a referendum prevented the “Cross Border Leasing” (CBL) of the local purification plant and sewage system to a US investor
- In September 2003, the Frankfurt city council decided not to sign any further Cross Border Leasing contracts affecting city property after a petition campaign co-initiated by Attac gathered some 48,000 signatures opposing the city’s plans to lease the underground rail system to a US trust for 99 years and lease it back

The last example shows that Cross Boarder Leasing has no chance if there is a public discussion of the concrete risks and legal dubiousness of these contracts. In the meantime, international agreements have also rendered such contracts impossible. This demonstrates the potential global effects of direct democracy on the municipal level! On its travels, the OMNIBUS makes sure that people everywhere learn of such successes and encourages them to put their vote to good use.

## Direct Democracy as an Alternative to the Growing National Debt

Everywhere direct democracy is well developed, the rate of public debt is significantly lower and citizens’ sense of responsibility for and identification with their community is higher. The citizens are better informed and the dialogue between politicians and citizens is more rational.

### Example: Switzerland

Switzerland is considered the motherland of direct democracy. For more than 100 years, the Swiss people have regularly decided on substantive issues on the municipal, cantonal and federal level after a process of intense public discussion. Most municipalities and cantons provide the citizens with an annual budget report listing all income and expenses, and the draft budget must be accepted by popular vote. In addition, the citizens themselves determine the level of taxation in the form of the tax rate. They can also reject individual investments, which must then be voted on separately. A study shows that the municipalities and cantons in Switzerland that provide for direct democracy in financial matters are in the black, while those with strongly representative structures are regularly in the red.

## Our Work

For more than six years now, the white OMNIBUS has been on the road continuously throughout Germany from early March to late November. We visit more than 100 cities a year and try to cover the entire country. Normally, we stop in a pedestrian zone or market square and open a space for discussions of the referendum idea. For many people, the OMNIBUS acts as an obvious reminder of an idea that actually goes without saying, and which is already in their minds. The OMNIBUS lends visual form to the coherence of the idea. And we offer opportunities to work together to realize this idea.

On our travels, we naturally come into contact with all of the burning issues of the day and the many civil society initiatives and projects that tackle them. When we can organize it and synchronize it with our tour, we participate in local symposia, events and seminars. As a tool for networking and encouragement, the OMNIBUS disseminates the information and ideas we absorb and develop there as well as practical instances of solutions that are already working.

Another important area for us is to lend strong practical support to ongoing referendums: we join the respective action coalitions, help with organization and look for (and after) people who are taking a so-called action holiday (these are people from all over Germany who take off a few days or weeks to help collect signatures). If at all possible, the OMNIBUS also travels through the involved federal state at all phases of the voting process and offers professional assistance.

## The OMNIBUS as a Mobile School of Popular Sovereignty

Our cooperation with schools and universities has become increasingly close. The OMNIBUS has already visited more than 40 schools and universities to present our work. The democratic foundations we discuss are rather neglected in school textbooks and curricula. Up to now, we have all given our children a rather poor example of democratic culture.

Our experience with a 17-year-old pupil who spent two weeks of her summer vacation travelling with the OMNIBUS gave us the idea of offering an internship for pupils during which they could live and work with us in the OMNIBUS for a few weeks. Thus far, more than 20 pupils have participated. Because their schools did not provide for such internships, some of them even sacrificed their holidays. This project has made a great contribution to our work! It is refreshing to see how confidently the pupils enter into the complex structure of our cooperation. In many cases they continue to work with us, and a few of the interns have become regular staff members we would be sorry to lose. Once their internships are over, nearly all of them make regular financial contributions to keep the OMNIBUS on the road. On our website you can find a wealth of material about the internship and its modalities.



## The “Referendum Action!”

At the beginning to 2006 we started the “Referendum Action!” as an additional, legally binding action opportunity for anyone eligible to vote. Using action cards, citizens call upon members of the German parliament to introduce the referendum on the federal level and also declare that at the next federal election, they will use their vote in favour of the referendum – either by voting for candidates and parties that credibly support the referendum or by deliberately not voting and sending their polling card to OMNIBUS, which will make these votes public. This action is being coordinated by our Berlin office (Tel. 030-42804390) and has met with great interest. More than 80,000 action cards are already in circulation! ([www.aktion-volksabstimmung.de](http://www.aktion-volksabstimmung.de))

## The “Social Sculpture Research Unit” (Arbeitskreis Soziale Plastik)

Every three months, the “Social Sculpture Research Unit”, which is dedicated to developing ideas for our work, meets at Schloß Freudenberg in Wiesbaden, where the first OMNIBUS is stationed as part of the “Field of Experience for the Senses and Mind” (Erfahrungsfeld der Sinne und des Denkens). This meeting is open to the public. It begins with an evening lecture on Saturday and continues with a seminar on Sunday. During the event, the travelling OMNIBUS visits the stationary OMNIBUS.

**We look forward to giving you a glimpse of our work.**

**Our office is always available to answer your questions. You can also request a bibliography or get advice, for example if you wish to start a referendum campaign in your town.**

**If you give us enough advance notice, you can also invite the OMNIBUS to come to your town, school, business or event.**

**Thank you so much for your interest.**

[www.omnibus.org](http://www.omnibus.org)