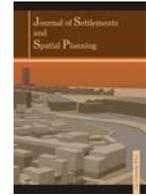




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Direct Democracy in Decision Making for Mega-Projects: A New Culture of “Governance in Partnership”?

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ABSTRACT

Decision making for urban and transport infrastructure mega-projects has been increasingly contested in the recent past. Citizens obviously do not see themselves well enough represented through the elected politicians. Regular information and participation fora do not seem to offer satisfactory co-decision opportunities for increasingly critical citizens. The paper analyses the theoretical background of the current planning crisis and suggests more radical forms of citizens' involvement: A commonly accepted hypothesis suggests that instruments for direct democratic decision making can open up new pathways to support the break-through of the citizens' will. As the authors show, however, real empowerment can only be achieved if a level playing field is given. The paper analyses an interesting case study where two referenda on the same issue closely followed each other: Firstly, a top-down initiated referendum with an intentionally restricted formulation of the question, counting with strong media support and, secondly, a bottom-up referendum, initiated by a citizens' petition. Even though the second referendum was successful, invalidating the previous decisions, a new challenge now lies in the lacking motivation of political leaders to implement it effectively. Finally, the case study helps to formulate some proposals for improvement of direct democratic instruments. The main lesson that can be learned from the case study, however, is that our societies are in desperate need for a new “culture of governance in partnership” between the stakeholders, the people and affected neighbouring communities. Political decision making and planning needs more transparent, fair and honest information, communication, exchange and mutual respect. Such a culture would make societies more liveable and, at the same time, resilient against any sort of challenge.

1. INTRODUCTION

There is a growing alienation between the political “ruling class” and regular citizens in most Western societies. This process has become evident also in the increasingly contested decision making procedures for urban and above all transport infrastructure mega-projects. The generally increasing levels of education, consciousness and availability of information have contributed to a worldwide growing demand of citizens to monitor and influence political decision making when it comes to important projects, directly affecting their lives (see e.g. Bäcklund, Mäntysalo, 2010; Harvey, 2008; Healey, 2006;

Marcuse, 2012) [1], [2], [3], [4]. As representative democracy alone cannot provide enough possibilities for effective citizens' involvement, there is a need to complement existing decision making systems with elements of direct democracy, especially when it comes to policy issues of special importance for society (see e.g. Bang, 2005; Bobbio, 2010; Coaffee, J., Healey, P., 2003; Forester, 2011; Galison, 2010; Healey, 2006) [5], [6], [7], [8], [9], [10].

This paper will address this challenge by analysing the multi-level decision making process of an important rail transport infrastructure project in the city of Lindau at Lake Constance that, due to its intense impact on the future urban development options for the

city, can also be seen as an urban development mega-project. "Lindau 21", proposed for, was one out of a total of 25 major railway, train station and urban development projects that the German railway company DB had originally announced in the late nineties and out of which only two have been completed so far and another two are underway. One of the latter, the high-speed railway and underground station project "Stuttgart 21", became internationally famous through the heavy protests against it with respective media coverage. Protesters blamed decision makers to have applied all formal participation instruments that the German planning system offers but not to have ever asked citizens if they wanted the mega-railway project at all. Police forces in 2010 reacted increasingly brutally against the protests, deepening the crack that was already running through society. Some observers see this battle between top-down and bottom-up proponents in political decision making and planning culture as one of the major reasons why the conservative party has lost the election for governor at state level in 2011 and for mayor at city level in 2012 for the first time in post-World War history of the state of Baden-Württemberg. However, in 2011 the Stuttgart 21 project has been confirmed in a state wide referendum which, of course, came at a very late stage when 1.5 billion Euros would have been lost by stopping it.

The case study of Lindau 21 is especially interesting as the decision making process implied a successful top-down initiated referendum and a later bottom-up initiated referendum with cassatory effect which altered the concept proposed by the political leaders and already legitimised by the population in the earlier referendum. As the referenda were held on a municipal level but the railway project has strong long-term impacts on the connectivity of the European bordering regions of four countries (Germany, Austria, Switzerland and Liechtenstein), there is a critical incongruence of the spaces decision makers are responsible for, respectively where citizens are entitled to vote, and the spaces in which people and economy are affected by the local railway concept (fig. 1).

The paper will analyse the decision making process concerning "Lindau 21" in order to show strengths and weaknesses of representative and above all direct democracy in decision making when it comes to mega-projects with spatially and temporally far reaching impacts for society. Uneven power relations between investor, policy makers, bureaucrats and media on one side and affected citizens as well as any other kind of opposing player on the other side will be analysed. Critical patterns of a destructive communication culture in order to marginalise positions and actors who challenge the mainstream opinion will be detected. The analysis will lead to a first draft concept of a "culture of governance in partnership" which prioritises participative and more

transparent decisions over vertical power manifestation and at the same time building trust by taking into consideration less powerful interest groups within civil society instead of fighting and marginalising them. The paper shall contribute to the drafting of a model for more harmonious decision making for mega-projects, laying a solid foundation for subsequent planning processes that will produce widely accepted results among citizens.

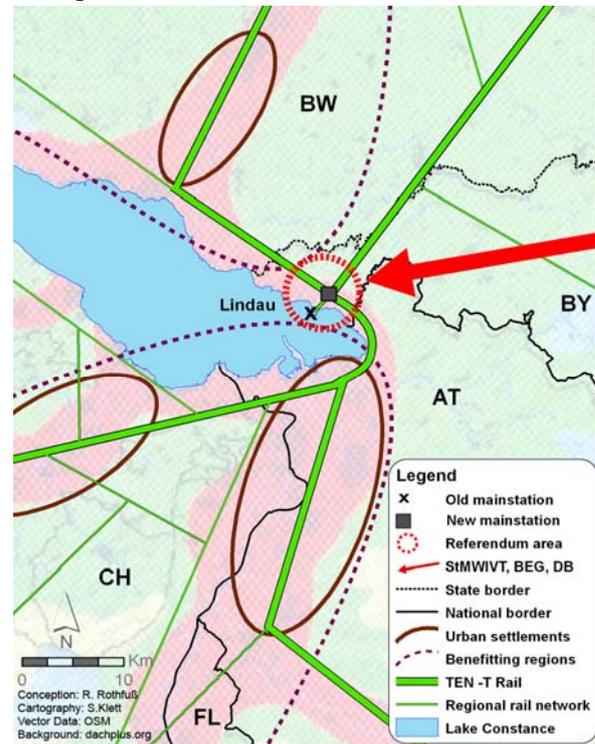


Fig. 1. Spatial incongruence of the spheres of decision makers' territories and affected citizens and regions.

2. THEORY AND METHODOLOGY

The authors consider power relations within politics and society and the diverse instruments through which political and economic interests can be pursued as the key variable to explain the outcome of any kind of political decision making and planning process. As power relations within a highly complex democratic society are often hard to detect, the two qualitative and interpretative empirical methods which allow the closest possible insight in such multi-layer systems, have been employed: participatory observation and analysis of the political and media discourse.

2.1. Theoretical assumptions: Power relations as hinge between politics, planning and society

Participation in decision making processes has become, since the nineties, an important topic for theorists of different social science disciplines. The special interest is directly related to the fact that, during that time, numerous forms of participation have been

politically supported and also applied in planning practice for the first time, both in industrialised and in developing countries. One of the most important questions for researchers and theorists of different schools is: which function does the citizen participation fulfil in planning processes and politics?

Many scholars see citizen participation as the central means allowing for true democratisation of planning procedures and leading at the same time not only to the empowerment of disadvantaged citizens but also to a more harmonious balance of power between the different social groups, stakeholders and individuals. Some of them understand citizen participation also as a means to reverse power asymmetries in decision making and to promote more social justice in society. Representatives of this idea are mostly devotees of the German philosopher Jürgen Habermas (see e.g. Healey, 2006 [11] and Forester, 1999 [12]). Others follow the theoretical framework of the Greek-French philosopher and social critic Cornelius Castoriadis and see in some processes of citizen participation the possibility to achieve a greater autonomy of civil society in respect to the power of the state apparatus (see e.g. Souza 2000) [13].

Another group of scholars follows the theoretical reflexions of Michel Foucault, focusing mainly on his concept of “governmentality” (see e.g. Barnett, 2002 [14], Raco, 2003 [15], Dikeç, 2007 [16], Mckee, 2009 [17], Blakeley, 2010 [18]). This group sees citizen participation much more sceptically than the followers of Habermas. For this group, citizen participation is Janus-faced (Swyngedouw, 2005) [19]. This means that participation can, unconsciously and unwillingly, serve to strengthen powerful political interests. There is no doubt that participation can become an effective means to assign political power to ordinary citizens. Nevertheless, it can also be instrumented to serve and legitimise dominant political and economic interests. In compliance with this point of view, some methods of citizen participation have been understood as a mere “technology of government” (Blakeley, 2010: 134 and Uitermark, 2005: 146) [18], [20] in the Foucauldian sense of governmentality. Consequently citizen participation leads, in cases where heavy interests are involved, to the mere legitimisation of government projects, but not really to a basic questioning or transformation of their content or, at least, to a significant change of their shape.

Especially in times of neo-liberal governmentality (see e.g. Lemke, 2001) [21] the use of citizen participation as a technology of government has become particularly problematic. There is a trend to favour economic interests of single investors over social ones even when it comes to projects, as e.g. railway infrastructure, supposed to produce long-term benefits for society at large. For this reason some governmentality scholars complain that in many cases

“the political sphere is increasingly eroded by the encroaching imposition of market forces that set the ‘rules of the game’” (Swyngedouw, 2005: 1993) [19].

In his empirical studies on the often cited model case of participative budgeting and planning in the city of Porto Alegre, Brazil, Mororó (2012) [22] has shown that procedures aimed to include marginalised citizen groups into the decision making process have not lead to the usually supposed and propagated transformation of power relations between the state, private business and the citizen. The Brazilian case study proves that more powerful interest groups use existing participatory platforms and regulations to seek public acceptance and achieve democratic legitimation for the same economic interests as before but with more sophisticated and more broadly accepted methods: participation to appease the public.

2.2. Participative observation and discourse analysis: Deep insight into power relations

To allow the reader to better analyse, understand and judge the results and conclusions of a research project it is important that the authors present their positionality within the studied issue. Camilla Perrone has extensive experience in accompanying, steering and researching participation processes in urban and regional planning and development projects in the Tuscany region, Italy. Rogério Mororó has conducted thorough research on direct democracy and participative planning in Porto Alegre, Brazil, often referred to as the cradle or capital of participative urban budgeting and planning. In his research he found empirical evidence that such progressive planning instruments also bear the risk of being politically instrumented by powerful players to provide acceptance and democratic legitimation for business interests in urban development projects. Rainer Rothfuss is specialised on transport geography, political geography, geographic conflict research and spatial planning. He became actively involved into the “Lindau 21” decision making process as main supporter of a citizens’ petition for a referendum which intended to challenge the preceding top-down initiated city council referendum on the future positioning of the main station of Lindau. He acts as main speaker of a citizens’ initiative which has formed itself independently from party affiliations to “save the important railway project from the destructive dynamics of election campaigns and politics”¹.

The employed methodology of participatory observation provides important potentials through granting the researcher an invaluable insider perspective but also poses considerable challenges. The

¹ Interview conducted with the two co-founders of the citizens’ initiative “Main Station Reutin”, Manfred Simmoleit and Hermann Stock, dd. 28/10/2012.

first author in this case didn't insert himself into the political confrontation as researcher, just pretending to be part of the process and covertly prioritising observation and research goals. The author was authentically one of the major actors in the political and societal struggle concerning Lindau 21 and, only after having successfully accompanied the crucial part of the direct-democratic decision making process, started to analyse the complex structures, interrelations and procedures in a scientific approach.

Acknowledging that all research in social science is in some way a process of deconstructing and reconstructing, with the researcher and his or her specific knowledge, perspectives and convictions as catalyst in the centre of knowledge production, it is an important challenge to take on, at least as much as possible, an outsider perspective during data analysis and interpretation in order to give a deeper insight into the socio-political struggle over mega-projects and not just to mirror a single actor's or actor group's version and interpretation of the "story".

As local media turned out to play a major role in the political decision making process for "Lindau 21", a discourse analysis has been conducted on the media coverage mainly by "Lindauer Zeitung" (the only local newspaper available in the greater Lindau area) during the central decision making phase from June 2011 to October 2012.

As well, the "Bürgerzeitung" (bi-weekly magazine with a section for official communications from the local administration and the parties represented in the city council of Lindau) has been submitted to a qualitative and interpretative discourse analysis.

3. RESULTS AND DISCUSSION

In this chapter, firstly an overview will be given over the spatial structures of Lindau and the adjacent areas in the cross-border eastern Lake Constance region. Secondly, the history of the decision making process for and historical embeddedness of the future railway and main station concept for Lindau will be described. Finally, the focus will narrow on the crucial phase of the employment of direct democratic instruments to legitimise the decision, respectively find a solution for the contested railway mega-project.

3.1. Spatial structures: From fragmented territories to transnational integration

When the railway line to connect the island of Lindau with the 566 km long north-south axis, meant to better integrate the then Kingdom of Bavaria, has been finished in 1853 the harbour and trade city was the only major settlement of the north-eastern lake area (fig. 2).

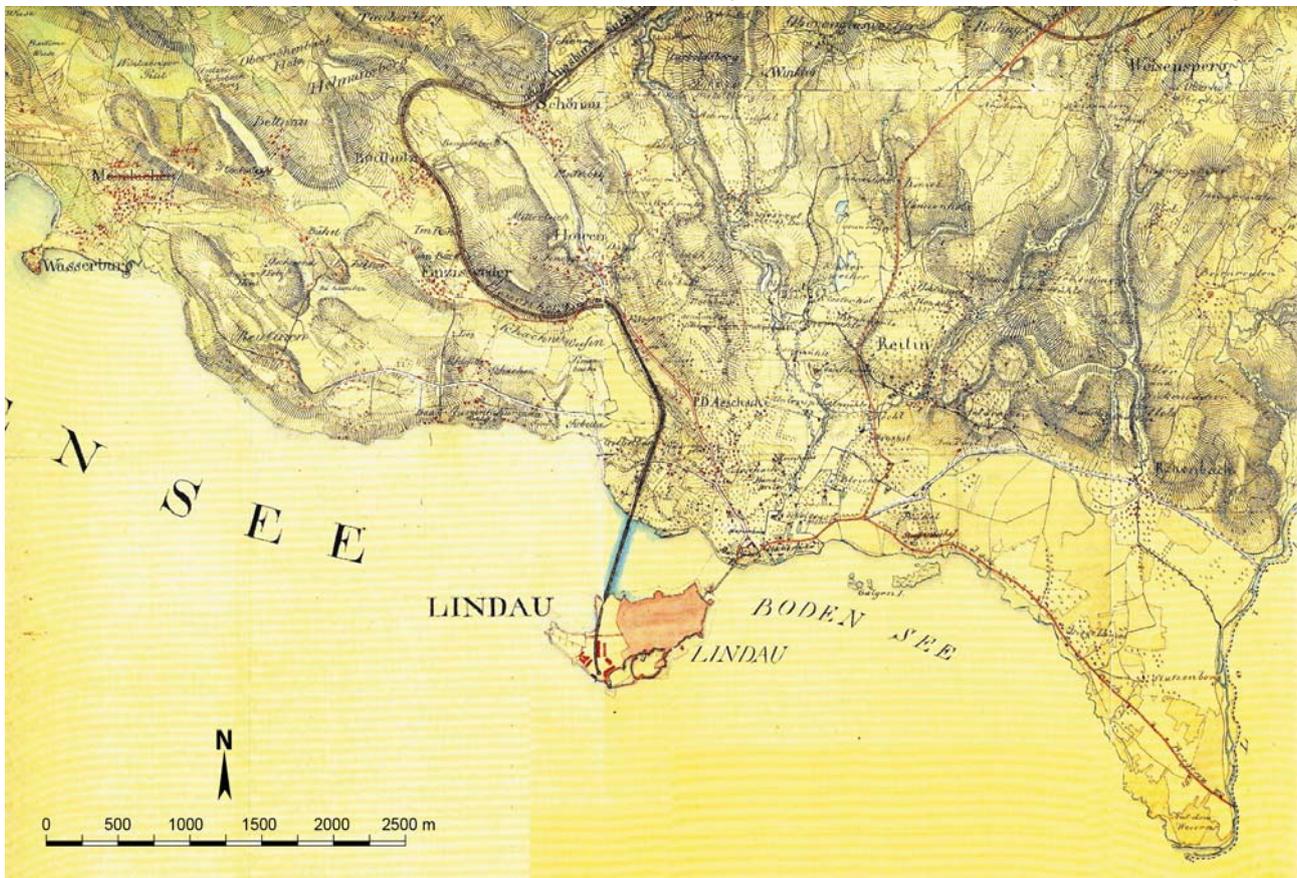


Fig. 2. Settlement structures in Lindau 1850 [23].

Only in 1806 the Lindau area, granting the economically and geostrategically important access to the international lake, became part of the Kingdom of Bavaria. Great efforts were made by the city and a dam was constructed, sacrificing the original unique island character of Lindau, to allow the freight trains to reach the harbour where Bavarian merchants could directly load their wheat and salt to the trade vessels to Austria and Switzerland, contributing to a new boom in the old city. Only in 1872 a rail connection from Bregenz, Austria, at the south-eastern side of the lake has been built and started to connect the railway systems across the border between the two monarchies. In 1954 this trajectory has been electrified to complement the electric railway network of Austria and Switzerland.

Even though national railway companies were still defending their territorial markets, concerning the electric railway infrastructure, Lindau had already become part of a transboundary rail network and integrated European cross-border region stretching southwards.

Trains going from Zurich to Munich still nowadays need to undergo a time consuming electric to diesel locomotive change in the dead-end station of Lindau as the city is surrounded by Germany's greatest non-electrified, backwardly diesel railway network. Before Austria had become a member of the European Union, it made sense to let all regional trains end in Lindau main station on the island, concentrating all customs and border control functions there.



Fig. 3. Settlement structures in Lindau 2012 (source: Google Earth).

Since Austria has joined the EU in 1995, the Euro has been introduced in 2002 and Switzerland has become part of the Schengen agreement in 2005, cross-border relationships have intensified considerably. Many Germans benefit from the booming labour markets in the adjacent regions of the western part of Austria, the eastern part of Switzerland and of Liechtenstein. They have to commute by car on a daily basis across one, respectively two international borders and through the bottle-neck of single-lane Pfänder tunnel. Despite the daily commuters' massive cross-regional mobility demand, all regional train connections still end in Lindau at the dead-end station on the island. Having the same status within the Trans-

European Network for Transport (TEN-T) as the railway lines from Ulm and Munich that meet in Lindau, only the boosting of capacities of road transport along the highway has been given priority so far: in mid-2013 the second Pfänder tunnel will be inaugurated, further favouring cross-border motorised individual transport over environmentally friendly public rail transport. As settlement structures show (fig. 1), the region surrounding the eastern part of Lake Constance has grown together to one major economic growth centre with approx. two million inhabitants at the edge of the Alps and at the periphery of the two southernmost and economically most developed states of Germany, Baden-Württemberg and Bavaria.

Obviously, the interest to better connect the regions north and south of Lake Constance is more pronounced on the side of the Alpine countries. Since many years the Austrian state of Vorarlberg finances an intensive light-rail connection from the state capital Bregenz to Lindau (in return Bavaria finances the train service across the Austrian border to Salzburg). The Swiss government has promised to finance a 50 million Euros share of the costs to improve and electrify the railway connection from Lindau to Munich. The reason for this heavy financial engagement is that the metropolitan region of Zurich remains largely isolated from the central and eastern European high-speed rail network. As well, the huge investment into the Gotthard railway base tunnel calls for improved access routes for freight trains in order to increase the profitability of this mega-investment of over 10 billion Euros. If the Lindau station was on the mainland instead of the island approx. six minutes of travel time could be saved on the Zurich-Munich trajectory in the almost 300 million Euros worth attempt to cut down travel time from 4:12 to 3:15 hours without additional costs. As well, it must not be overlooked that settlement patterns in Lindau have dramatically changed during the twentieth century: Nowadays, almost 90% of the population lives on the mainland, approx. 90% of the work places and 80% of the tourism businesses are there [23] (fig. 3). Consequently, not only neighbouring regions and countries, but especially inhabitants from the greater Lindau area would benefit from an easily accessible main station on the mainland.

Hardly being able to reach the island during tourism season and peak hours, the majority population of mainland Lindau became increasingly frustrated with often unforeseeable travel times to Germany's least accessible main station and scarce parking facilities there. Often, people have to wait for ten minutes and more behind closed railroad crossings and during summertime tourism flows can generate congestion that extends the trip from the mainland to the main station and back to more than one hour each way.

As train service is hardly accessible, many commuters in Lindau rely on their car to go to work in the booming regions of Austria, Switzerland and Baden-Württemberg. The citizens from mainland Lindau try to avoid the island station and tend to use the more easily accessible train stations of other towns: Meckenbeuren (26 km away in the neighbouring state of Baden-Württemberg) when travelling northwest, Wasserburg (7 km) for trips to the west, Hergatz (17 km) for the directions north and east as well as Bregenz, respectively Lochau (5 to 8 km; both in Austria) to reach destinations south of Lake Constance. When the German railway company DB first came up with a proposal in 1997 to shift the main station of Lindau from the island to the most populated district and business area on the mainland in Reutin many citizens

welcomed the initiative while others considered it an unacceptable violation of traditions to cut off the scenic train connection over the 500 meter long dam across the lake to the historic harbour of Lindau.



Fig. 4. Rail infrastructures as urbanistic divide between the historic city centre and the so called "Rear Island" (source: Google Earth).

The main argument of DB [23] to shift the railway station from the island to the mainland was a) to improve the accessibility of the station for mainland residents thus contributing to a modal shift to public transport, b) to increase the connectivity of the railway system for the cross-border region by replacing a dead-end station with a through station and avoiding the island detours and c) to develop approx. 15 hectares of valuable urban land in the most attractive and central seaside location. For today, the island of Lindau is physically and urbanistically divided by the massive and outdated railway infrastructure with technology dating back to 1912 and 1924 (fig. 4). While railway structures cover only 1.8% of the island of Venice, the share is seven times higher for Lindau: 12.5%.

The island of Lindau is connected to the mainland with four tracks, just as is the case for Venice, a city with 22 times more inhabitants. While the Venice area has its main station since 1842 on the mainland in Mestre to guarantee fast east-west connections

alongside the Adriatic coast, Lindau’s main station on the island is still nowadays a physical barrier for direct train connections across the inner-European borders.

3.2. Deepening cracks: economics of power and shifting political coalitions

The main station on the island of Lindau is an important cultural heritage of the city. Therefore, the plans of DB to cut the important touristic centre off the rail network rose stiff resistance. After many years of negotiations no compromise between DB and the city council positions could be achieved. The following table provides an overview on the already 111 years long history of the attempts to modernise the Lindau railway concept, focussing especially on the political struggles of the recent past.

Table 1. Major steps in the decision making and development process of the Lindau station concept.

Year	Issue	Main actor
1901	First official attempt of Royal Bavarian State Railway Company to remove the main station from the island rejected by city magistrate	RBSRC/ City magistrate
1970ies	First internal plans to transfer the main station to the mainland	DB
1997	Official announcement of the DB concept to transfer main station	DB
1997	City council of Lindau decides to leave the main station on the island	City council
1999	Stalemate in city council decision to transfer the main station	City council
2000	DB announces to start planning for a main station in Lindau-Reutin	DB
2002	DB starts official project approval procedure for main station Reutin	DB
2004	City council agrees with shift of main station to Reutin but demands two-sided railway connection to the island and northward shift of the dead-end station; DB rejects to finance renovated island connection	City council/ DB
2011/05	DB announces abandonment of project approval procedure and urges for a final decision by the city of Lindau for the future main station location before end of 2011	DB
2011/06	Mayor Seidl promises to let citizens of Lindau decide over the location of the main station in a referendum	Mayor
2011/09	The local newspaper “Lindauer Zeitung” invites transport minister Zeil who presents a “Compromise Concept”: The main station shall remain on the island and a long-distance train stop is built in Reutin	LZ/ State Govt.
2011/09	LZ carries out a survey among 659 citizens: 61% are in favour of a new main station on the mainland	LZ

	(Reutin) without train connection to the island, 29% favour the “Compromise Concept” and 10% are in favour of only a main station on the island (status quo)	
2011/10	All parties represented in the city council but the conservative CSU favour the “Compromise Concept”, deciding to leave the main station on the island and to co-finance a long-distance train stop in Reutin with 3 million €: Citizens shall confirm this decision in a top-down referendum	City council majority (20/10)
2011/11	The CSU decides to collect 2,000 petition signatures for a bottom-up referendum on the transfer of the main station to Lindau-Reutin, as the top-down referendum didn’t allow the choice for a main station on the mainland.	CSU
2011/12	In the top-down referendum 61% of citizens vote for the “Compromise Concept” promoted by state government, mayor and a council majority (voter turnout: 41%)	Citizens
2011/12	City council approves referendum petition, allowing voters for the first time to choose a main station on the mainland in Reutin and a reduced train connection to the island	City council/ Citizens’ initiative
2011/12	After heavy political and media pressure the CSU gives up its support for the bottom-up referendum and a new citizens’ initiative “Main Station Reutin” is established to maintain it	Citizens’ initiative
2012/03	After two weeks of intensive referendum campaign 53% of the citizens vote for a main station in Reutin and 47% support the previously decided “Compromise Concept” (voter turnout: 44%)	Citizens
2012/07	DB announces a new “Two Station Concept” which is based on the railway plan of the “Compromise Concept” – contradicting the result of the bottom-up referendum	DB/ State Govt.
2012/10	Transport minister Zeil announces that the railway bottle neck where two TEN-T routes merge in Lindau-Aeschach will not be alleviated through a second rail track – contradicting the result of the bottom-up referendum	State Govt.
2013	Car and bus will increase their competitive advantage over train: the 2 nd Pfänder highway tunnel will be inaugurated and private bus operators will offer the first cheap long distance services in the region	ASFINAG/ bus operators

As table 1 shows it was possible to reverse a manipulative top-down initiated decision making

process through a bottom-up referendum. However, the powerful institutions at the state and local levels keep pushing their previously marketed island-focused solution, just giving it a new name and decorating it with some marginal improvements. As instruments of direct democracy were applied in the decision making process for the contested railway concept of Lindau 21, it is of crucial importance to understand the process of public opinion making more thoroughly. While political struggles in the framework of representative democracy take place behind closed doors, direct democracy brings to light the fierce competition between opposing political interests. Citizens get directly involved into the information, manipulation and opinion making processes and therefore become part of the fight.

3.3. Discursive battle: From media warfare to discursive terrains of resistance

As the technical debate about the future train station concept of Lindau became a major issue of the mayor's election campaign the discursive culture swiftly eroded and the exchange of arguments was replaced by attempts to marginalise and discredit opposing positions. A key role was played by the local newspaper that publicly admitted that it strongly supported the "Compromise Concept" which foresaw to keep the main station on the island, limiting this way the possibilities to improve the attractiveness of train transport for local commuters and to increase the capacity of urgently needed direct cross-border connections from Ulm via Lindau to Bregenz and further on to Dornbirn and to St. Gallen, Switzerland. With the clear positioning of the monopolistic newspaper of the Lindau area it became hard to inform the public in a balanced way about the pros and cons of the competing concepts. A strong coalition of five local parties with three candidates for mayor, among them the acting mayor, monopolised discussions and, with the support of the Bavarian state ministry of transport, also information flows.

After a strongly tendentious campaigning period to reverse the citizens' previous strong support of 61% for a shift of the main station from the island to the mainland in Reutin (see table 1) enough voters had believed that the "Compromise Concept" with the main station staying on the island and only a small long-distance train stop on the mainland was not ideal but the only solution that would count with financial support from the state government. In addition, the transport minister had threatened that a "no" would mean that Lindau was cut off the long-distance rail system [24]. In an official statement to the population, just before the referendum, the transport minister had misinformed the voters by telling them that "three different alternatives can be chosen now" [25]. In reality, his favoured "Compromise Concept" could only be accepted (i.e. island based main station *with* long-

distance train stop on the mainland) or rejected (i.e. island based main station *without* long-distance train stop on the mainland) by the citizens. In the council initiated top-down referendum 61% of the voters finally accepted the "Compromise Concept", partly due to the lack of an attractive alternative.

Therefore, the citizens' initiative decided to keep up the second referendum where citizens should have their first opportunity to really choose an easily accessible main station on the mainland in Lindau-Reutin. However, a relentless media storm against the official representatives of the referendum petition had been fanned by the local newspaper. It was supported by countless misinterpreting, misinforming and often even insulting letters to the editor that filled almost every newspaper edition, day after day, during and after the top-down referendum [26]. Just before the bottom-up referendum, supporters of the idea of an easily accessible main station on the mainland had "conquered" more and more of the space of the letters to the editor section, shifting to some extent the imbalance of discursive power in the media.

3.4. Power relations: From top-down decision making to bottom-up empowerment

Before the top-down referendum, the oligopoly of politics and media had worked reliably and effectively against the convictions and preferences of a majority of citizens. Not even a referendum could endanger political interests as all important political players relied on the undoubted and undivided support of local media to manipulate public opinion making. But growing discomfort among citizens with this manipulative way of political decision making raised also the support to the spontaneously established citizens' initiative "Main Station Reutin". Over 50 citizens, mostly proactive pensioners but also business men, housewives and several rail transport experts joined the initiative. A private railway and consultancy company was hired to elaborate an alternative train station and island connection concept as DB had signalled that its budget allowed only for a complete transfer of the main station from the island to the mainland. With the support of many private sponsors and helpers an only two weeks long but stiff referendum campaign has been organised (fig. 5 and 6)².

The citizens' initiative concentrated its efforts on the communication and media activities. The local newspaper has been provided with solid information on the credibility of the proposed solution. If media reports were too tendentious corrections have been claimed

² Two major citizens' conferences with rail transport experts and over 420 participants have been organised, two consecutive leaflets have been distributed to each of the over 10,000 households of Lindau and two serial letters to each of the 2,000 signatories of the referendum petition. To motivate citizens to take their chance to vote 500 information posters and eight mega-sized banners have been placed at the most visible points in town.

[26]. The most important social media platform on Facebook which is also owned by the only local newspaper has been fed with arguments and verbal attacks against the citizens' initiative have been constantly countered with solid arguments. Information stands have been organised in front of commercial centres and on market squares.



Fig. 5. Mega-sized campaigning poster sponsored by all parties opposing the bottom-up referendum.



Fig. 6. Mega-sized campaigning banner of the citizens' initiative “Main Station Reutin”.

The citizens' initiative had successfully conquered public space and could not be neglected by the media any more. Communicative “terrains of resistance” [27] had been conquered within a short period of time, parting from the position of an outcast. The communicative battle culminated in media statements against the referendum by the Bavarian transport minister and deputy governor, the previous mayor who had just been voted out of office, the newly elected mayor and almost all parties represented in the city council of Lindau. A few days later, 53.13% of the citizens approved the citizens' initiative mainland train

station concept and confirmed with an even 3% higher voter turnout (44%) than in the referendum initiated by the city council that independent thinking is a virtue that every politician should fear when facing a well organised bottom-up initiative. As a resume it was crucial to have technically skilled experts within the citizens' initiative, people who are willing to work hard and also spend money for the common purpose and who know how to handle the media apparatus and to effectively communicate a message to the people.

3.5. Victory of the people: Who cares?

According to art. 18a (13) of the Bavarian Local Government Law [28] within the first year a referendum decision can only be changed by another referendum. Even though this clearly was the case in March, 18, 2012 and the mayor and city council of Lindau are legally bound to implement the citizens' [28] will, there is a common discourse among the previous political supporters of the “Compromise Concept” that there were two successful referenda in Lindau and now both [sic!] have to be implemented.

The representatives of the citizens' initiative have been invited by the mayor, DB, the ministry of transport and the BEG to discuss the implementation of a new train station solution. However, the effect of all these discussions was minimal. DB offered some really attractive improvements of their train station concept allowing the city of Lindau to use approx. 15 hectares more of present railway areas to develop the city in the most attractive and central locations. As well, some noise prevention measures have been promised and semi-roofed station platforms in Reutin. No sign, however, of a main station that people demanded through the referendum. To shift the railway hub from the island to the mainland it would have been vital to construct a second railway track in the less than 400 m long “Aeschach Curve” where two TEN-T axes overlap in a virtual bottle-neck.

The mayor and city council of Lindau who are legally bound to support the implementation of the referendum have not even made one serious attempt to claim a train schedule concept from BEG, working under the tutelage of the ministry of transport, that would optimise train connections in the new mainland station in Reutin.³ The Bavarian authorities that are only responsible for a narrow strip of the Lake Constance region take top-down decisions against the democratically expressed will of the local residents and determine that Lindau has only got to fulfil its tourism function for visitors who would like to directly reach the

³ In a top-level talk on 26 July 2012 with representatives of DB, BEG, city council and the mayor the first author, in his function as speaker of the citizens' initiative, reminded that the proposed concept rather mirrored the previously decided “Compromise Concept” and omitted the valid referendum. Mayor Dr. Gerhard Ecker responded: “What do you want to do if the Administrative Court in Augsburg will find out only in three years that we have not implemented the referendum?”

island by train for a few weeks in summer. The interests of the 90% mainland residents and of the adjacent regions are not worth considering. Attempts of neighbouring mayors and parliamentarians from the state of Baden-Württemberg who wish to establish direct regional train connections to Austria and who act in resonance with their governor's plan to strengthen this north south axis toward the Gotthard railway base tunnel are brushed away by the mayor: "When it comes to the train station many people want to have a say. Only recently we have been discovered by the mayors of the district and also by state parliamentarians from Baden-Württemberg" [29]. Parochialism at every level of politics – who will be able to enforce democratic rule and the due respect for European policy goals?

4. CONCLUSION

Even if there is a certain risk of failure of the effectiveness of direct democratic decision-making, the obvious strengths and potentials prevail. As it has been shown, there can be cases where, despite of a clear vote from the people, political decision makers may try to find ways to escape its effective implementation. There is a need for commonly accepted soft rules for a peaceful culture of a transparent, deliberative problem analysis and for hard legislation concerning direct democratic decision-making, including its subsequent implementation by elected politicians and tax-sponsored bureaucrats. Learning from the Lindau example should lead to some very specific steps allowing for the improvement of the Bavarian system of direct democracy and, of course, also for the transfer of the system to other states and countries that still haven't discovered the benefits of involving citizens into real decision-making, at least when it comes to issues of major communal interest.

4.1. (In-) effectiveness of direct democracy: a few players set the rules of the game

On several political levels policy transport goals clearly determine the improvement of railway capacities especially at the single rail track bottle-neck which limits the capacity of the cross-border east-west connection, bypassing the island (the so called "Aeschach Curve").

With so many high-level policy papers and transport development programs calling for an improved permeability of the Lindau railway infrastructure to promote cross-border and inter-regional rail transport integration the question is why the decision to follow or reject these policy goals has been left to the decision of a single city council and the citizens of the administrative where the railway infrastructure happens to be implemented? Analysing the core actors of the decision making process for

Lindau 21 it is evident that there were only a few key persons who steered the whole development process despite all regulatory frameworks: Under the guidance and support of a local newspaper the transport minister, supported by a certain city council coalition decided to focus all regional train connections also in the long-term future on the island, jeopardising cross-border integration goals.

Table 2. Transport policy goals claiming enhanced cross-border railway capacities in Lindau.

Body: Document	Policy goal
European Commission: Trans-European Transport Network (TEN-T rail)	TEN-T railway routes Ulm – Lindau and Munich – Lindau shall contribute to increased cross-border connectivity in rail transport
Alpine Convention: Transport Protocol (2007)	Art. 10 of the Transport Protocol calls specifically for the improvement of cross-border railway capacities
BODAN Rail 2020 Transnational study (2001)	Proposes improved cross-border capacities for long-distance and regional trains, bypassing the island, and proposes to connect the island via local and light-rail trains
Federal Ministry of Transport: Federal Transport Infrastructure Plan (2003)	Plans to support the increase of the capacities of the TEN-T railway routes Ulm – Lindau and Munich – Lindau by 2015
State of Bavaria: State Development Programme (2006)	Chapter 1.3.1 of section "Sustainable Technical Infrastructure" calls for the improvement of the Munich – Lindau railway route
Regional Planning Association Allgäu: Regional Development Plan (2007)	Chapter 1.3.2 foresees to increase the capacity of the Munich – Lindau railway route and of the route Ulm – Lindau (1.3.5)

A local citizens' initiative opposed the powerful coalition and enforced the revision of this decision through a new referendum. Again, the transport minister and the responsible bureaucrats from the subordinated BEG present plans to ignore the referendum and focus all regional train connections on the island, maintaining the single-track bottle-neck which forces many trains to make a detour over the 19th century dead-end station on the island and inhibiting fast cross-border connections without the necessity to change trains. The mayor and the city council who are clearly bound by the referendum for one year have not even made any visible effort to negotiate with DB, the Bavarian transport ministry and the BEG to reduce train connections toward the island (the referendum explicitly demanded only one rail track to the island!) and rather increase the capacity of the east-west bypass and bottle-neck "Aeschach Curve" allowing to boost cross-border rail connectivity and to concentrate the greatest possible number of train connections in a new main station in Reutin. Even though there is a legally binding referendum the core actors of the citizens'

initiative “Main Station Reutin” still have to fight for the implementation of the democratically expressed will and the respect for EU, national, state and regional rail transport development goals. In the case of Lindau 21 direct democracy served as a protection fuse against harmful and dysfunctional political decision making. “Power to the people” is a beautiful motto to call for more direct democracy. However, the capacity of citizens to take over control effectively in steering such technically challenging planning, decision making and negotiation processes should not be over-stretched.

4.2. Power to the people: improving democracy to meet present and future societal demands

The case study has shown that the availability of direct democratic instruments in the state of Bavaria that allow citizens to initiate a referendum on an issue of major societal importance is definitively an advantage over systems that *de facto* inhibit direct democracy as is still the case in the neighbouring state of Baden-Württemberg⁴.

Adequate legal regulations are a vital basis for effective direct democratic citizen involvement. But there are also challenges that can only be addressed if politicians and citizens alike are willing to reflect more critically and constructively their respective ways and culture of communicating and interacting to facilitate a real exchange of arguments and thus a mutual and incremental learning process.

Fact finding for information generation. The Lindau case study showed that even ministries and technical authorities may take decisions on the basis of primarily political arguments and not based on facts and the citizens’ demands. Even policy goals from higher political levels for the subject can be ignored. Mega-projects, above all when it comes to transport infrastructure in cross-border regions with often irreversible long-term impacts, call for an obligatory and really independent check of all relevant impacts and possible contradictions with higher level policy goals concerning regional integration, economic competitiveness and sustainability.

The regular media are often not the right platform to exchange complex and compare sometimes contradicting technical arguments. Over 90% of the citizens receive their information that is crucial for opinion and later decision making only through the media. Media discourse, however, often reflects and repeats only the same shallow and sometimes distorted arguments and information over and over that influential stakeholders want to make citizens believe. A serious SWOT analysis on the pros and cons of an urban-mega project which should be elaborated in

partnership between the respective opposing groups is much more likely to serve as a sound basis for all further public discussion and finally the citizens’ opinion and decision making before and on referendum day. There are also participative methods where a randomly chosen and representative group of citizens elaborates a structured expertise on a topic.⁵ Such citizens’ study could contrast and challenge the experts’ reports that often simply mirror the awarding authority’s position.

Complex decision scenarios. In the case of mega-projects there are often different competing alternatives. However, legislation for direct democracy in Bavaria allows only formulating one referendum question that can be answered with “yes” or “no”⁶. In a council initiated referendum two alternatives could be voted if legislation foresaw that the majority group of councillors is entitled to formulate the referendum question and the opposing minority group has the right to determine the meaning of the answer “no”. The specific meaning of “yes” and “now” should than have to be communicated fairly to the public before the referendum is held. The ideal solution, however, would be that legislation foresees the possibility for voters to choose one out of a maximum of three or four alternatives, reflecting the most relevant debated concepts, and foreseeing also the possibility of a complete rejection of the mega-project by the voter. This would require a prior agreement between the different political, societal and stakeholder groups to reduce complexity for voters but still allowing for the increasingly demanded direct influence of citizens on the basic decision of “yes” or “no” and “how” concerning a proposed mega-project.

Enforcement of implementation. If the issue decided in a referendum is rather simple and clear implementation should not be in question. Legislation usually stipulates that the referendum result is binding for the respective local administration and city council.⁷ Combined urban and infrastructure projects are very complex by nature and involve many decision making bodies. Therefore, as the Lindau example has shown, implementation of a referendum result may in extreme cases not go beyond cosmetic measures with the aim to disguise the non-compliance. Therefore, legislation should bind local administrations and city councils in a way that the citizens responsible for a bottom-up referendum have to be heard during major stakeholder, decision making and city council meetings. Local

⁴ In 2010 Bavaria ranked 3rd and Baden-Württemberg 15th among the sixteen German states concerning direct democracy [30]. A modification of the constitution of the state of Baden-Württemberg can be expected within the near future.

⁵ The participative method of so called “Citizens’ Reports” has been developed by the German sociologist Peter Diemel [31]. Random choosing helps to avoid that always the same “suspects” dominate discourse and opinion making in participation processes, sometimes even marginalising the majority citizens’ opinions.

⁶ In Bavaria, only in case of two competing referenda at the same day two alternatives can be voted, making even a third tie-break question necessary, this way complicating the procedure for citizens and leading to many invalid votes.

⁷ In Bavaria the city council and local authorities cannot take any contradicting decision within one year.

authorities should be obliged to report after six months to the population which measures have been taken to implement the citizens' democratically expressed will.

Communication and information. Regulations should foresee that in case of a bottom-up initiated referendum by the collection of signatures for a certain issue the official representatives of the petition should be granted the possibility to directly inform the citizens in an unfiltered way via the official public administration journal or the most widely distributed local newspaper about their arguments. Otherwise it has to be expected that public bodies and more influential groups with direct access to powerful decision makers and the media will have an easy game to marginalise any proposed solution through existing asymmetric power relations when it comes to determining and influencing public discourse and hence citizen opinion. To provide a sound information basis may produce additional costs but without it the whole and much bigger public investment in democratic decision making procedures is senseless, frustrating for all citizens and thus a real waste of tax payers' money.

4.3. Direct democracy: A life insurance for peaceful modern societies

The case study of Lindau covered a highly emotional and therefore strongly contested topic that is of crucial importance for many citizens. The referenda in Lindau were meant to determine the future development of transport infrastructure and urban spaces in the historic island city and classical tourism destination but also in the larger modern parts of the city on the mainland. It's worth noting, however, that the aggressive political struggle evolved under positive conditions of general wealth and peace. Therefore, looking into the future, the crucial question of "how do we communicate and interact with one another?" should be taken very serious. Parts of Europe have already drifted into serious economic and henceforth social crisis. A tendency can be observed that an increasing number of people are willing to fight with more and more aggressive – if not even violent – means for their interests and convictions against any perceived "enemy". This is not an encouraging sign of a mature civilization. And it is not a sign of a resilient society which is capable of coping with unexpected crisis in a productive way. Therefore, great emphasis should be put on the crucial issue of our common culture of human interaction and communication. Politicians at all levels of government should seek to regain the confidence of citizens by leading through example in terms of applying a true "culture of governance in partnership".

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