

PANEL: THE REFERENDUM AND ITS POLITICAL ACCOUNTABILITY POTENTIALITIES IN CURRENT REPRESENTATIVE DEMOCRACIES

Moderator / Coordinator/Keynote speaker:

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Her areas of research focus on comparative constitutional law (France and Eastern countries), European and International human rights law, legal systems' relationship, democratic transitions and democratic consolidation, crisis of liberal democracy, participatory democracy, moralization and transparency of public life.

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As a recognized specialist of constitutional and European law, she is a member of Scientific and Editorial Committees of several French legal and multidisciplinary journals.

Presentation of the Panel:

In France, the European elections were presented by left and right radical political parties as an informal referendum for contesting the policy pursued by President Emmanuel Macron and his Government. The notion of an informal referendum is new in constitutional law and can be defined as the use of different elections, local or European, to sanction or validate the policies implemented by the political majority in power on national level. This use can be considered as political instrumentalization of elections, but it also reflects a dysfunction of representative democracies, where elections remain the only meeting between political leaders and citizens. If mechanisms for direct participation in the exercise of power, such as the referendum, exist, they are rarely used. In France, for example, the last national referendum dates to 2005. Since then, no President of the Republic has taken the initiative to ask the opinion of French citizens on important issues falling within the areas defined in Article 11 of the Constitution or with regard to the constitutional revision provided for in Article 89 of the Constitution. The referendum mechanism is therefore completely ignored and the interpretation of the political consequences of its results has also evolved. While Charles de Gaulle always engaged his political responsibility when organizing a referendum, which led to his resignation in 1969, no other French President has admitted such a hypothesis.

We can therefore see that, initially, the referendum was used to maintain the dialogue with citizens during the mandate and that the results could have an impact not only on the political line to be chosen, but also on the political fate of the President of the Republic. These two aspects, which are important for maintaining citizen trust, have completely disappeared from institutional practice and can be one of the most important causes of the ever-growing distrust of citizens towards political leaders. The purpose of this workshop is to analyze what mechanisms are provided for by the Constitutions of different European countries in order to maintain the essential dialogue

between political leaders and citizens? How are they used? What can be the political and social consequences, in light of the texts, but also of the practices that can be noted? If they exist, do these practices have a real influence on citizens' confidence in political power? In light of the observations that will be made, it will finally be a question of future reforms that could be adopted to remedy the existing dysfunctions and to improve the implementation of the referendum mechanism in order to improve its potential for controlling and making political action accountable.