

Does Parliament Democratize Representative Government?

PARLIAMENTS AND THEN NOW (Centre for Parliamentary Research, Faculty of Law - Széchenyi István University - May 7, 2026 - Pannonhalma Archabbey, Hungary)

Vincent Aerts (ULiège) - Vincent.aerts@uliege.be

<i>Introduction</i>	1
<i>Three political imaginaries to make sense of democratic innovations?</i>	2
<i>Democratizing representative government with Referendum?</i>	6
Four moments of democratization	6
Initiation phase	7
Design phase	11
Participation phase	14
Post-referendum	16
<i>Constitutional constraints: is democracy prohibited in Belgium?</i>	17
<i>Does Parliament Democratize Representative Government?</i>	19
<i>Conclusion</i>	21

Introduction

Since the early 2010s, members of Belgium's various legislative assemblies have repeatedly voiced concerns about growing public distrust toward representative institutions. In response, several parliaments have initiated institutional reforms aimed at integrating mechanisms commonly associated with democratic innovation into the representative framework. Among the instruments considered, popular consultations and sortition-based deliberative bodies have emerged as prominent options to involve citizens more directly and regularly in public decision-making processes.

This paper examines the democratic dynamics underlying the parliamentary institutionalization of popular vote processes. Do legislators conceptualize popular consultations and referendum as genuine tools for democratizing representative government? To what extent—if at all—is decision-making authority effectively transferred from elected representatives to citizens? More broadly, which democratic imaginaries are mobilized and defended by parliamentarians during legislative debates on these reforms?

To address these questions, the study conducts a qualitative analysis of parliamentary proceedings related to referendum and popular consultations in Belgian assemblies since the early 2010s. This paper highlights four steps in these processes that could be avenues for democratization of representative government: the initiation phase, the design phase, the participation moment and the post-referendum impact.

Through a cross-level and diachronic comparison of these parliamentary debates, the paper explores how representative institutions reflexively engage with their own transformation. By analyzing the institutional designs advanced in these discussions, it assesses the extent to which

democratic innovations are framed as complementary, corrective, or transformative vis-à-vis representative government, thereby shedding light on the parliament-led reconfiguration of democratic legitimacy in contemporary Belgium.

Three political imaginaries to make sense of democratic innovations?

Assessing whether parliamentarians contribute to democratizing representative government requires adopting a degree of analytical distance from the concept of democracy itself. In Belgium, as in other Western political systems, the notion of democracy has become largely tautological: “democracy” is used to designate our political system, while our political system is taken to define democracy—without any precise conceptual specification¹. Such a definition fails to capture the political history underlying the construction of modern representative governments, which were to a significant extent built in opposition to the very idea of democracy².

Accordingly, making sense of attempts to reform representative government institutionally calls for robust conceptual frameworks capable of capturing the plurality of democratic conceptions at stake. In order to interpret concrete democratic innovation mechanisms, this paper seeks to reinterpret and extend to other cases the analytical framework of democratic imaginaries developed by Nabila Abbas and Yves Sintomer³.

In their analysis of proponents of sortition in politics, Nabila Abbas and Yves Sintomer identify three democratic imaginaries, which we seek to translate into the framework of proposals for popular voting mechanisms.

The first imaginary they highlight is that of anti-political democracy. Combining democratic claims grounded in sortition with an anti-corruption discourse opposed to political parties and economic elites, the anti-political imaginary posits that the average citizen—the ordinary individual—is fundamentally virtuous, and that politics should reflect this virtuous, ordinary, and essentially apolitical individual which seeks the common good.

These authors trace the origins of this political imaginary to the Fronte dell’Uomo Qualunque (Front of the Ordinary Man), founded in 1945 in Italy by Guglielmo Giannini. Building on a critique of political elites understood as constituting an oligarchy, Giannini argues in his foundational work *La Folla*⁴ for the establishment of a political system based on sortition, grounded in a “Saint-Simonian logic” aimed at “replacing the government of men with the administration of things.”⁵ Firmly opposed to representative government and to political parties—“assimilated to the reign of corruption, of self-proclaimed elites defending particular interests, of factions”⁶—proponents of this anti-political imaginary seek to “remove” the political oligarchy in order to restore decision-making power to citizens. This valorization of the ordinary individual is thus closely associated with a discourse advocating a form of political amateurism, in which “it is not

¹ DUPUIS-DÉRI F. (2013), *Démocratie. Histoire politique d’un mot aux États-Unis et en France*, Montréal, Lux.

² MANIN B. (1997), *The Principles of Representative Government*, Cambridge, Cambridge University Press.

³ ABBAS N., SINTOMER Y. (2021), « Les trois imaginaires contemporains du tirage au sort en politique : démocratie délibérative, démocratie antipolitique ou démocratie radicale ? », *Raisons politiques*, n°82, pp.33-54

⁴ URBINATI N., VANDELLI L. (2020), *La democrazia del sorteggio*, Turin, Einaudi.

⁵ ABBAS N., SINTOMER Y., *op. cit.*, p.46

⁶ *Ibidem*, p.47

formal qualifications, but rather the lived experience and common sense of citizens” that qualify one to govern⁷.

This political imaginary, far from being confined to the far right, can also be related to the notion of “citizenism” as developed by Samuel Hayat, in which the people are “conceived as unified, without partisan divisions or ideologies—an aggregation of free individuals whose will can be elicited through a simple mechanism, by asking them a question, or by selecting by lot a number of free individuals who can deliberate conscientiously.”⁸

This antipolitical imaginary can thus be appropriated by actors from widely heterogeneous—and in some cases ideologically opposed—political backgrounds. Movements such as the Five Star Movement in Italy, the *Gilets jaunes* in France, managerial or technocratic proponents including environmentalist Ernest Callenbach and former banker and Mastercard founder Michael Phillips⁹, as well as more recent grassroots initiatives like the *Collectif Citoyen*—which participated in the Belgian regional and federal elections of October 2024¹⁰—may all be situated within this antipolitical imaginary. The antipolitical imaginary functions as a form of political *confusionism*¹¹, obscuring traditional ideological boundaries and enabling alliances or discourses that traverse the conventional left–right spectrum.

The antipolitical imaginary, and its defense of sortition, resonates in particular with the ideas advanced by Étienne Chouard, an influential teacher-blogger within segments of the radical left online milieu, yet maintaining proximity to Alain Soral and drawing on certain conspiracist authors¹²—thereby exemplifying the potential for ideological blurring inherent in the anti-political imaginary. A central figure in the “No” camp during debates surrounding the French referendum on the European Constitutional Treaty, Chouard played a key role in the rediscovery and reinterpretation—“against its author”¹³—of the classic work *Principles of Representative Government* by Bernard Manin, published in 1995¹⁴. This reinterpretation is often introduced through the book’s opening claim that “contemporary democracies are the product of a form of government that its founders opposed to democracy.”¹⁵ By revisiting the history of Athenian democracy and the emergence of representative government, Chouard has contributed to the re-legitimation of sortition as a democratic institution opposed to elections—regarded as aristocratic—and to its diffusion across various activist spheres¹⁶.

This reinterpretation of *Principles of Representative Government* against the intentions of its author—who, as a liberal thinker, normatively defended representative government as a desirable mixed regime combining aristocratic and democratic elements—is not confined to actors operating within

⁷ House of Representatives, *Proposition de résolution relative à la révision du système électoral et à l’instauration du tirage au sort des membres du Parlement fédéral du Royaume de Belgique*, Doc.53K2860/1, June 5, 2013, p.16.

⁸ HAYAT S., (December 26, 2018), « Les Gilets jaunes et la question démocratique », *Contretemps*, www.contretemps.eu ; ABBAS N., SINTOMER Y., *op. cit.*, p.47.

⁹ CALLENBACH E., PHILLIPS M. (1985/2008), *A Citizen Legislature*, Exeter, Imprint Academic.

¹⁰ OGER L. (June 3, 2024), « Élections : Le Collectif Citoyen prône une autre démocratie », Qu4tre, www.qu4tre.be.

¹¹ CORCUFF P. (2020), *La grande confusion. Comment l’extrême-droite gagne la bataille des idées*, Paris, Textuel.

¹² TOLMERE A. (2006), *Manifeste pour la vraie démocratie*, online.

¹³ HAYAT S. (2019), « La carrière militante de la référence à Bernard Manin dans les mouvements français pour le tirage au sort », *Participations*, 2019/HS, 437-451.

¹⁴ MANIN B. (1996), *Principes du gouvernement représentatif*, Paris, Flammarion ; Bernard Manin (1997), *The Principles of Representative Government*, Cambridge, Cambridge University Press.

¹⁵ MANIN B. (1996), *Principes du gouvernement représentatif*, Paris, Flammarion, p.11.

¹⁶ HAYAT S. (2019), « La carrière militante de la référence à Bernard Manin dans les mouvements français pour le tirage au sort », *Participations*, 2019/HS, 437-451.

an antipolitical imaginary¹⁷. Indeed, in his book *Against Elections*, which has become a key reference in the contemporary diffusion of sortition in politics, the historian David Van Reybrouck—a central figure in the deliberative experiment of the G1000¹⁸—also adopts this reinterpretation of Bernard Manin’s work to advocate for the reintroduction of sortition¹⁹. This book has played a major role in fostering political movements supportive of sortition and in promoting an alternative political imaginary of sortition, within which most parliamentary initiatives on the subject can be situated.

This second political imaginary identified by Nabila Abbas and Yves Sintomer corresponds to the ideal of deliberative democracy. Within this framework, inclusive debate is understood as the very foundation of democracy, and a decision is considered optimal insofar as it is preceded by a rich deliberative process that gives voice to a wide diversity of perspectives.

Proponents of this imaginary conceive participatory mechanisms and democratic innovations as responses to a crisis of trust in institutions, observable, for instance, through phenomena such as blank voting or opinion polling. References to academically grounded experiments—such as the work of David Van Reybrouck²⁰ and the G1000—are recurrent. The proposed mechanisms frequently rely on sortition with the aim of achieving representativeness based on sociodemographic criteria (age, gender, place of residence, and socio-professional status). While such procedures do not ensure strict statistical representativeness due to the limited size of the randomly selected sample, they nonetheless foster greater inclusivity and diversity, yielding participant profiles that more closely reflect the sociological composition of the broader population than is typically the case for elected representatives.

These mechanisms are designed to bring together a diverse sample of citizens to deliberate among themselves, or in interaction with elected officials, often supplemented by structured engagements with experts²¹. At the conclusion of these deliberations, panels, assemblies, or deliberative commissions produce reports containing a series of recommendations, which are then transmitted to political representatives within parliament. These recommendations, however, do not entail decision-making authority; they remain consultative outputs and are not binding upon elected officials.

In this respect, the deliberative imaginary differs markedly from the anti-political, anti-establishment one. Drawing on the theoretical contributions of John Rawls²² and Jürgen Habermas²³, the deliberative imaginary emphasizes the virtues of inclusive deliberation as a source of democratic legitimacy. Proponents of deliberative democracy contend that “the democratic legitimacy of a decision is all the greater if it has been preceded by high-quality, transparent deliberation, including all parties concerned, based on mutual respect, allowing all participants equal influence in the discussion, excluding relations of domination and a lasting asymmetry of power

¹⁷ CHOLLET A., MANIN B. (2019), « Les postérités inattendues de Principes du gouvernement représentatif: Une discussion avec Bernard Manin », *Participations*, 23, 1, 171–192.

¹⁸ CALUWAERTS D., REUCHAMPS M. (2014). « The G1000: Facts, figures and some lessons from an experience of deliberative democracy in Belgium ». In: CALUWAERTS D., REUCHAMPS M., JACOBS K., VAN PARIJS P., VAN REYBROUCK D., *The Malaise of Electoral Democracy and What to Do About It*, Re-Bel, Brussels, 10-33

¹⁹ VAN REYBROUCK D. (2014), *Contre les élections*, Arles, Actes Sud

²⁰ *Ibidem*.

²¹ BÄCHTIGER A., DRYZEK J., MANSBRIDGE J., WARREN M. (2018) (ed.), *The Oxford Handbook of Deliberative Democracy*, New York, Oxford University Press.

²² RAWLS J. (1971), *A Theory of Justice*, Cambridge, Mass., Harvard University Press. ; John Rawls (1993) « The Idea of Public Reason », in *Political Liberalism*, New York, Columbia University Press, p. 212-254.

²³ HABERMAS J. (1997), *Droit et démocratie. Entre faits et normes*, Paris, Gallimard.

relations.”²⁴ The aim of democratic innovations is no longer to expel allegedly corrupt representatives from parliament, but rather to introduce, through citizens’ panels, assemblies, or deliberative commissions, individuals with diverse backgrounds capable of enriching an inclusive deliberative process grounded in collective intelligence.

This divergence in objectives and underlying imaginaries, when compared to the antipolitical framework, is also evident in relation to the Athenian ideal of rotation of offices, which underpinned the use of sortition in classical antiquity. The deliberative imaginary promoted by reformers and political entrepreneurs advocating sortition tends to conceive of institutional arrangements designed to complement or assist representative government, systematically leaving final decision-making authority in the hands of elected officials. Participatory mechanisms therefore do not fundamentally alter the distribution of power in a way that would clearly democratize representative government; rather, they are framed as deliberative arenas intended to include selected citizens in public debate, with the dual aim of restoring trust and informing elected representatives in their decision-making processes.

In this respect, the deliberative imaginary can be seen as compatible with—and ultimately absorbed into—the liberal ethos of contemporary representative systems. Citizen participation is consistently framed as voluntary and non-coercive, while structural relations of domination within society tend to remain insufficiently addressed within these mechanisms. Although certain elected officials, particularly from left-wing parties, appear aware of the challenges associated with achieving genuinely egalitarian participation in deliberative settings, these concerns rarely translate into structurally transformative institutional designs.

Finally, in their analysis of proponents of sortition, Nabila Abbas and Yves Sintomer identify a third democratic imaginary that can be mobilized to analyze proposals for referendums in Belgium. This is an imaginary of radical democracy which, although marginal among advocates of sortition, proves analytically fruitful for examining projects aimed at democratizing representative government. The radical democratic imaginary conceives democracy as a form of collective self-government in which the autonomy of citizens in political decision-making is central. The concrete transfer of decision-making power and the ideal of self-management thus constitute core political objectives within this radical democratic framework²⁵.

Accordingly, the present analysis seeks to transpose the three democratic imaginaries developed by Nabila Abbas and Yves Sintomer in order to make sense of the concrete referendum mechanisms proposed within Belgian parliaments. Do these institutional designs reflect an anti-political imaginary that promotes popular voting in opposition to political parties? Are legislative texts instead shaped by a deliberative imaginary, conceiving referendums as instruments for consulting the population and incorporating it into parliamentary deliberation? Finally, what place is accorded to the imaginary of radical democracy? Do parliamentarians conceive of the referendum as a genuine instrument for transferring power to citizens, thereby enabling a substantive democratization of representative government?

²⁴ ABBAS N., SINTOMER Y. (2021), « Les trois imaginaires contemporains du tirage au sort en politique : démocratie délibérative, démocratie antipolitique ou démocratie radicale ? », *Raisons politiques* 2021/2, n°82, p.43.

²⁵ SINTOMER Y. (2023), *The Government of Chance. Sortition and Democracy from Athens to the Present*, Cambridge, Cambridge University Press.

Democratizing representative government with Referendum?

When examining the democratization of representative government in Belgium over the past fifteen years, two institutional devices stand out as the most extensively scrutinized: referendums and sortition. In their respective institutional designs, both mechanisms provide distinct avenues for incorporating citizens into political power and into the orientation of public action.

In this section, we outline the various institutional designs proposed by parliamentarians with a view to reforming the institutions of representative government. We begin by presenting the different stages of popular vote processes in order to identify several opportunities for democratization. We then review the concrete proposals associated with each of these stages. Examining proposals that failed to be adopted allows us to place the implemented arrangements in comparative perspective. Finally, these parliamentary developments provide the basis for a digression on the constitutional constraints within Belgium that delimit the practical democratization of representative government.

Four moments of democratization

The idea of expanding the frequency of popular vote processes—so that they are no longer confined to the selection of representatives but instead exert a direct influence on the orientation and formulation of public policy—has recurrently emerged as a response to growing citizen distrust toward political institutions. Four key moments within these mechanisms can be identified as opportunities for democratization.

The first concerns the initiation of the process. Who holds the authority to trigger a referendum or a sortition procedure? Who is entitled to request the organization of a popular vote? Does this initiative lie with the government, the parliament, or the citizens themselves? Under what conditions can it be exercised? This initial phase constitutes a crucial stake in terms of democratization and the opening up of political processes to citizen involvement.

The second moment pertains to the concrete design of participatory processes. Who formulates or reformulates the question posed in a referendum? Once a request for a popular vote or a citizens' assembly has been made, who decides on its practical implementation? Is Parliament obliged to organize a referendum or a popular consultation following a citizen-initiated request, or does it retain a veto power? This second moment also raises broader questions regarding the role accorded to citizens in shaping the design of participatory processes.

The third moment relates to effective participation—that is, the point at which citizens are directly called upon to act within the political system. In the case of referendums, this moment corresponds to the act of voting itself. Who is entitled to vote? Under what conditions does voting take place? Is a quorum required for the result to be considered valid? These questions, tied to this crucial moment of political action, highlight issues of inclusiveness and broad-based participation.

Finally, the fourth and last moment concerns the follow-up to decisions emerging from popular vote processes, as well as their degree of binding force vis-à-vis parliaments. Is the outcome of a popular vote binding on Parliament, or does it merely have consultative status? How is follow-up ensured? All of these questions relate to the concrete transfer of political power from elected representatives to citizens.



These four moments—process initiation, institutional design, effective participation, and follow-up—thus constitute four distinct arenas for the democratization of representative government. How are these moments conceptualized in the concrete proposals put forward by Belgian Members of Parliament?

Initiation phase

The issue of initiating a popular vote process occupies a central place in Belgian parliamentary debates. Determining who is entitled to request the organization of a referendum, and under what admissibility conditions such a request may be accepted, represents a key concern from the perspective of democratizing representative government. Leaving the initiative to the executive branch—whether the government or the head of state—entails the risk of strategic or plebiscitary uses of referendums. Conversely, granting citizens the ability to request the organization of a referendum raises the question of the thresholds to be met, particularly in terms of the number of signatures required to submit such a request.

In federal debates, within both the Chamber of Representatives and the Senate, the content of proposals on this issue has evolved significantly since the early 2010s. During the 2010–2014 legislative term, the central concern was to incorporate the possibility of organizing popular consultations at the regional level into the Constitution. In this context, the question of who holds the authority to initiate a popular vote remained relatively indeterminate²⁶. As the primary objective was the introduction of a constitutional provision, the detailed stages of the concrete process were only minimally elaborated. The first proposal to explicitly address the initiator of a popular consultation envisaged assigning this prerogative to the regional legislator (whether the government or the parliament)²⁷. Subsequent proposals, by contrast, referred more broadly to a right of initiative granted to citizens, parliamentarians, and the government, albeit without specifying the conditions governing the exercise of this right²⁸.

In parallel with these federal debates on constitutional revision to enable regional popular consultations, Walloon Members of Parliament took up the issue even prior to the adoption of the constitutional amendment. As early as 2009, a proposal introduced by the Reformist Movement (MR) sought to establish a system of popular consultation in which the right of initiative would be vested in Parliament²⁹. By contrast, Green representatives proposed that a request for a popular

²⁶ House of Representatives, *Proposition de déclaration de révision des articles 33, 36, 41 et 134 de la Constitution en vue de permettre la tenue de référendums contraignants*, Doc.53K1387/1, April 11, 2011. ; House of Representatives, *Proposition de déclaration de révision de la Constitution*, Doc.53K3557/1, April 15, 2014.

²⁷ House of Representatives, *Révision de la constitution. Proposition de révision de la Constitution en vue d'y insérer un article 39bis relatif à la consultation populaire*, Doc.53K1159/1, February 2, 2011.

²⁸ House of Representatives, *Révision de la constitution. Proposition d'insertion d'un article 39bis dans la Constitution*, Doc.53K2966, July 24, 2013. ; Senate, *Projet de texte portant insertion d'un article 39bis dans la Constitution*, Doc.5-2372, November 29, 2013.

²⁹ Walloon Parliament, *Proposition de décret visant à instituer une consultation populaire au niveau régional*, Doc. 13 (SE2009), July 16, 2009.

consultation could be submitted either by five Walloon MPs or by 100,000 Walloon citizens, provided that at least 1,000 signatures were collected in five electoral constituencies³⁰.

During the final year of the 2009–2014 legislative term, following the constitutional revision authorizing regional popular consultations³¹, the MR tabled a new proposal for a special decree providing for a shared right of initiative between the Government and Parliament³². Finally, two additional proposals—first by the Greens³³ and subsequently by all parties represented in the Walloon Parliament³⁴—favored a dual initiative mechanism, either parliamentary (five MPs) or citizen-based (100,000 signatures with a minimum of 1,000 signatures in five constituencies). None of these proposals, however, were ultimately adopted.

During the 2014–2019 legislative term, proposals for declarations of constitutional revision more consistently aimed at introducing citizen-initiated referendums³⁵. Among these proposals—all originating from opposition parties—only the Workers’ Party of Belgium (PTB, radical left) set out precise admissibility conditions, requiring 100,000 signatures from citizens aged 16 and over³⁶. The Socialist Party (PS, centre-left), for its part, proposed both a citizen-initiated referendum and a parliament-initiated referendum³⁷. Finally, a proposal was tabled by members of Vlaams Belang (VB, Flemish nationalist far-right), but it did not specify who would hold the power to initiate such a referendum³⁸.

During this legislative term, however, the issue of initiating popular votes was more extensively debated within the Walloon and Brussels regional parliaments. In Wallonia, the proposals introduced by the Reformist Movement (MR) and Ecolo during the previous legislative term were allowed to lapse³⁹. Among the new proposals, Puget—a far-right MP from the Parti Populaire—advocated for a shared right of initiative involving Parliament (one-third of MPs), citizens (50,000 signatures, with a minimum of 5,000 per province), and the Government⁴⁰.

The requirement of 100,000 signatures was reiterated in two separate proposals, one from the governing majority (PS–CDH)⁴¹ and another from the opposition (Ecolo–MR)⁴², the latter also

³⁰ Walloon Parliament, *Proposition de décret instaurant la consultation populaire régionale*, Doc. 33 (SE2009), July 17, 2009.

³¹ BOURGAUX A.-E. (2015), « La consultation populaire régionale : résistance ou résilience de la démocratie représentative belge ? », *Administration publique - trimestriel*, 4.

³² Walloon Parliament, *Proposition de décret spécial visant à instituer une consultation populaire au niveau régional*, Doc.991 (2013-2014), February 26, 2014.

³³ Walloon Parliament, *Proposition de décret spécial instaurant la consultation populaire régionale*, Doc. 1009 (2013-2014), March 11, 2014.

³⁴ Walloon Parliament, *Proposition de décret spécial visant à instituer la consultation populaire régionale*, Doc.1064 (2013-2014), April 24, 2014.

³⁵ House of Representatives, *Proposition de déclaration de révision de la Constitution en vue d’y insérer un article 39quater permettant la tenue d’un référendum d’initiative citoyenne*, Doc.54K3690/1, March 26, 2019.

³⁶ House of Representatives, *Proposition de déclaration de révision des articles 36, 39bis, 41 et 195 de la Constitution en vue d’instituer le référendum contraignant*, Doc.54K3540/1, February 11, 2019.

³⁷ House of Representatives, *Proposition de déclaration de révision de la Constitution*, Doc.54K3696/1, March 27, 2019.

³⁸ House of Representatives, *Proposition de déclaration de révision des articles 33, 36, 39bis, 41, 134 et 195 de la Constitution en vue de permettre la tenue de référendums contraignants*, Doc.54K559, November 4, 2014.

³⁹ Walloon Parliament, *Proposition de décret spécial visant à instituer une consultation populaire au niveau régional*, Doc.15 (SE2014), July 16, 2014. ; Walloon Parliament, *Proposition de décret spécial instaurant la consultation populaire régionale*, Doc.16 (SE2014), July 22, 2014.

⁴⁰ Walloon Parliament, *Proposition de décret introduisant l’usage de la consultation populaire à l’échelon régional*, Doc.42 (2014-2015), October 16, 2014.

⁴¹ Walloon Parliament, *Proposition de décret spécial mettant en œuvre l’article 39bis de la Constitution en vue d’instituer la consultation populaire au niveau régional*, Doc.79 (2014-2015), December 8, 2014.

⁴² Walloon Parliament, *Proposition de décret spécial visant à instituer la consultation populaire régionale*, Doc.83 (2014-2015), December 9, 2014.

including a parliamentary initiative mechanism (one-third of MPs). Ultimately, a special decree was adopted in 2018, introduced by the governing majority (CDH–PS) and supported by the MR and the Parti Populaire’s sole MP. This text provides that a request for a popular consultation may be initiated either by Parliament (by an absolute majority, i.e., half of its members) or by citizens (60,000 signatures, with at least 2% of residents in a majority of electoral constituencies)⁴³. During the parliamentary debates, Green MPs attempted—unsuccessfully—to replace this 2% threshold with a requirement of 10,000 residents⁴⁴.

Similar proposals were introduced during the 2014–2019 legislative term in the Brussels Regional Parliament, although none ultimately resulted in the adoption of a binding text. Throughout this period, three proposals originating from opposition parties were tabled. The first, submitted by Ecolo–Groen, advocated a shared right of initiative between Parliament (five MPs), citizens (20,000 residents), and the Government⁴⁵. The second, introduced by the Reformist Movement (MR), proposed a higher parliamentary threshold (one-third of MPs) and a lower citizen threshold (15,000 signatures, with at least 1,000 signatures in six of the nineteen Brussels municipalities), while still granting the Government a right of initiative⁴⁶. Finally, a third proposal, submitted by the Workers’ Party of Belgium (PTB), did not include any governmental initiative. It instead proposed an intermediate parliamentary threshold (one-quarter of MPs) alongside a more accessible citizen threshold (10,000 citizens, with signatures drawn from at least three different municipalities)⁴⁷. None of these proposals were adopted during the 2014–2019 legislative term.

During the 2019–2024 legislative term, new proposals for declarations of constitutional revision were debated within the Chamber of Representatives. Several opposition parties thus sought to introduce binding referendums⁴⁸ into the Constitution, more specifically corrective or citizen-initiated referendums. DéFI and the Workers’ Party of Belgium (PTB) advocated for an exclusively citizen-based initiative⁴⁹, with the latter proposing a threshold of 100,000 signatures from residents aged 16 and over⁵⁰. Les Engagés (ex-CDH), for their part, proposed the introduction of federal and regional legislative referendums whose initiative could be exercised either by Parliament, by a group of citizens, or by a citizens’ assembly composed of randomly selected individuals⁵¹, inspired by the Irish model⁵². None of these proposals were ultimately adopted.

In parallel, in Wallonia, a similar model combining citizens’ assemblies and popular consultation was proposed by members of the CDH–Les Engagés party. The various proposals submitted by these MPs aimed to grant the right of initiative for organizing a popular consultation either to a

⁴³ Walloon Parliament, *Proposition de décret spécial instituant la consultation populaire*, Doc. 559 (2015-2016), July 15, 2016.

⁴⁴ Walloon Parliament, *Proposition de décret spécial instituant la consultation populaire – Amendement*, Doc.559/27 (2015-2016), June 28, 2018. ; Walloon Parliament, *Proposition de décret spécial instituant la consultation populaire – Amendement*, Doc.559/32 (2015-2016), July 18, 2018.

⁴⁵ Parliament of the Brussels-Capital Region, *Proposition d’ordonnance spéciale organique de la consultation populaire régionale*, Doc.A-108/1, March 3, 2015.

⁴⁶ Parliament of the Brussels-Capital Region, *Proposition d’ordonnance spéciale visant à renforcer la démocratie participative en instituant la consultation populaire en Région de Bruxelles-Capitale*, Doc.A-180/1, June 12, 2015.

⁴⁷ Parliament of the Brussels-Capital Region, *Proposition d’ordonnance spéciale visant à développer la démocratie participative et à organiser la tenue de consultations populaires en Région de Bruxelles-Capitale*, Doc.A-536/1, June 23, 2017.

⁴⁸ House of Representatives, *Proposition de déclaration de révision des articles 33, 36, 39bis, 41, 134 et 195 de la Constitution en vue de permettre la tenue de référendums contraignants*, Doc.55K2431, January 18, 2022.

⁴⁹ House of Representatives, *Proposition de déclaration de révision de la Constitution en vue d’y insérer un article 39quater permettant la tenue d’un référendum d’initiative citoyenne*, Doc.55K219, August 22, 2019.

⁵⁰ House of Representatives, *Proposition de déclaration de révision des articles 36, 39bis et 41 de la Constitution en vue d’instaurer le référendum contraignant*, Doc.55K2390, December 17, 2021.

⁵¹ House of Representatives, *Projet de déclaration de révision de la Constitution - Amendement*, Doc.55K4018/2, May 6, 2024 ; House of Representatives, *Projet de déclaration de révision de la Constitution - Amendement*, Doc.55K4018/5, May 7, 2024.

⁵² O’Flynn I. (2025), « Constitutional referendums and randomly selected constitutional conventions », *Comparative Constitutional Studies*, 3(2), pp.325-346

citizens' assembly composed of 30 randomly selected citizens⁵³, or to a mixed deliberative committee composed of both randomly selected citizens and Walloon MPs⁵⁴, as instituted in Wallonia from 2020 onwards⁵⁵. None of these proposals were ever subject to parliamentary debate. Finally, a further proposal on popular consultation was introduced in 2024 by Green MPs, seeking to lower the signature threshold required to request the organization of a popular consultation. The proposal aimed to halve the threshold established by the special decree, reducing it to 30,000 signatures with at least 1,000 signatures in a majority of constituencies⁵⁶. However, this proposal was not debated before the end of the legislative term and was immediately reintroduced at the beginning of the 2024–2029 legislature⁵⁷. As a result, the special decree adopted in 2018 was not amended during the 2019–2024 legislative term.

This legislative term nonetheless saw a modification of the legal framework in Brussels. From the outset of the 2019–2024 legislature, the MR and the PTB reintroduced the proposals tabled during the previous term⁵⁸. The entry into Parliament of a member elected on the citizen list Agora—a political movement advocating a form of democracy based on sortition—led to the introduction of several texts concerning popular consultation.

In this context, Agora proposed the establishment of popular consultations that could be initiated by 1,000 residents, the Government, one-third of Brussels MPs, or an absolute majority of a deliberative commission, a body introduced by the Brussels Parliament in 2019 and composed of both randomly selected citizens and elected representatives⁵⁹. This proposal was not taken into consideration by the governing majority. In 2024, however, the Brussels majority adopted a special ordinance on regional popular consultation⁶⁰. This text provides for a shared right of initiative between Parliament (a majority of MPs) and citizens (15,000 signatures, with at least 900 signatures in nine of the eighteen Brussels municipalities)⁶¹.

⁵³ Walloon Parliament, *Proposition de décret institutionnalisant l'assemblée citoyenne et le conseil citoyen*, Doc.221 (2019-2020), September 1st, 2020. ; Walloon Parliament, *Proposition de décret spécial modifiant les articles 2, 5, 6 et 7 du décret spécial du 19 juillet 2018 instituant la consultation populaire*, Doc.222 (2019-2020), September 1st, 2020.

⁵⁴ Walloon Parliament, *Proposition de décret spécial modifiant les articles 2, 5, 6 et 7 du décret spécial du 19 juillet 2018 instituant la consultation populaire en vue d'octroyer un droit d'initiative aux commissions délibératives composées de députés et de citoyens tirés au sort*, Doc.278 (2020-2021), September 29, 2020.

⁵⁵ Walloon Parliament, *Modification du règlement du parlement de wallonie visant à consacrer la constitution de commissions délibératives entre députés et citoyens tirés au sort*, Doc.248/6 (2020-2021), October 28, 2020.

⁵⁶ Walloon Parliament, *Proposition de décret spécial modifiant les articles 2, 4, 7 et 13 du décret spécial du 19 juillet 2018 instituant la consultation populaire en vue de faciliter les consultations populaires régionales*, Doc.1714 (2023-2024), April 17, 2024.

⁵⁷ Walloon Parliament, *Proposition de décret spécial modifiant les articles 2, 4, 7 et 13 du décret spécial du 19 juillet 2018 instituant la consultation populaire en vue de faciliter les consultations populaires régionales*, Doc.14 (SE2024), July 24, 2024.

⁵⁸ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale visant à renforcer la démocratie participative en instituant la consultation populaire en Région de Bruxelles-Capitale*, Doc.A-48/1, November 5, 2019. ; Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale visant à développer la démocratie participative et à organiser la tenue de consultations populaires en Région de Bruxelles-Capitale*, Doc.A-116, December 3, 2019.

⁵⁹ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale relative à la consultation populaire régionale*, Doc.A-363, April 19, 2021.

⁶⁰ Ordonnance spéciale du 25 avril 2024 instituant la consultation populaire régionale, *Moniteur belge*, May 25, 2024.

⁶¹ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale instituant la consultation populaire régionale*, Doc.A-704, May 17, 2023.

	Instrument	Initiative	Population (registered voters)
Federal level	/	/	8.368.029 (2024)
Walloon Parliament	Regional popular consultation	60,000 residents (at least 2% in most of the 11 districts) or Half of MPs	2.684.006 (2024) + 53.282 (2024)
Parliament of the Brussels-Capital Region	Regional popular consultation	15.000 residents (at least 900 in 9 of the 18 districts) or Half of MPs	657.603 (2024)

Design phase

Following the submission of a request for a popular consultation or referendum—whether initiated by citizens, parliamentarians, or the government—the design stage of the referendum proves to be crucial. Indeed, procedures of oversight and framing—particularly with regard to the subject matter of the question posed, the possibility of reformulating that question, and the extent to which Parliament may refuse to organize a popular vote—raise fundamental issues in terms of the democratization of representative government.

Parliamentary proceedings within the Belgian federal chambers, given their specific nature as proposals for declarations of constitutional revision, remain largely silent on the technical aspects relating to the formulation of the question submitted to citizens. The issue of question wording is notably absent from both debates and concrete proposals, owing to the constitutional and necessarily concise character of the norms under consideration. However, Belgian parliamentarians have extensively discussed amendments to Article 142 of the Constitution, which concerns the Constitutional Court of Belgium, with the aim of granting it oversight powers over popular consultations⁶². This judicial oversight is also incorporated by federal legislators into the various special institutional reform laws concerning the federated entities, and thus their respective regional parliaments⁶³. These amendments empower the Constitutional Court to rule on proposed popular consultations in order to verify their compatibility with the Belgian legal order and with the distribution of competences across different levels of government. During parliamentary debates,

⁶² House of Representatives, *Révision de la Constitution - Proposition de révision de l'article 142 de la Constitution*, Doc.53K2971/1, July 24, 2013 ; Senate, *Révision de la constitution -Projet de texte portant révision de l'article 142 de la Constitution*, Doc.5-2374, December 3, 2013.

⁶³ House of Representatives, *Proposition de loi spéciale portant modification de la loi spéciale du 6 janvier 1989 sur la Cour constitutionnelle et de la loi spéciale du 12 janvier 1989 relative aux Institutions bruxelloises, en vue de permettre l'organisation de consultations populaires régionales*, Doc.53K, July 24, 2013 ; 2968 ; Senate, *Projet de loi spéciale portant modification de la loi spéciale du 6 janvier 1989 sur la Cour constitutionnelle et de la loi spéciale du 12 janvier 1989 relative aux Institutions bruxelloises, en vue de permettre l'organisation de consultations populaires régionales*, Doc.5-2373, November 29, 2013.

members of the Flemish nationalist far-right party Vlaams Belang repeatedly attempted—unsuccessfully—to remove this oversight by the Constitutional Court⁶⁴.

The content of questions submitted to citizen votes is also debated in the Chamber with regard to the categories of issues excluded from popular consultations. During parliamentary discussions, the exclusion of several types of subjects and policy domains appears broadly accepted by the majority of mainstream parties. Thus, beyond the requirement that regional popular consultations may only concern matters falling exclusively within regional competences, issues relating to budgetary and financial matters, as well as those requiring a qualified majority of two-thirds, are excluded under the constitutional provision governing popular consultations⁶⁵.

Once again, Flemish nationalist parties, such as N-VA and Vlaams Belang, have sought to remove these restrictions in order to enable popular consultations on all policy areas, but their amendments have been rejected⁶⁶.

These categories of exclusion are further specified in debates within the regional parliaments. In Wallonia, in addition to the aforementioned exclusions, questions relating to individuals, international treaties, or matters affecting fundamental rights and freedoms are also excluded⁶⁷. The exclusion of international treaties from the scope of popular consultation has itself been subject to debate, as Green parties attempted—unsuccessfully—to remove this restriction in the context of Walloon opposition to the Comprehensive Economic and Trade Agreement (CETA)⁶⁸. The Brussels Parliament, which adopted its legal framework on popular consultation nearly six years after Wallonia, replicated similar exclusions while adding that no popular consultation may concern “a question that has already been the subject of explicit debate and a vote in plenary session of Parliament within the framework of a draft or proposed ordinance in the two years preceding the submission of the request for a popular consultation.”⁶⁹

Regarding the wording or reformulation of the question submitted to voters, regional and federal debates appear to be influenced by the institutionalisation of various deliberative mechanisms based on citizens selected by sortition. Since 2019, the Parliament of the German-speaking Community and the Brussels Parliament have organised citizens’ assemblies and deliberative committees enabling randomly selected citizens to deliberate—either in fully citizen-based assemblies or in mixed settings with parliamentarians—in order to produce a set of recommendations on a specific issue.

⁶⁴ House of Representatives, *Révision de la Constitution - Proposition de révision de l'article 142 de la Constitution – amendement*, Doc.53K2971/2, November 6, 2013 ; House of Representatives, *Révision de la Constitution - Proposition de révision de l'article 142 de la Constitution – Amendement*, Doc.53K2969/5, November 26, 2013 ; Senate, *Projet de loi spéciale portant modification de la loi spéciale du 6 janvier 1989 sur la Cour constitutionnelle et de la loi spéciale du 12 janvier 1989 relative aux Institutions bruxelloises, en vue de permettre l'organisation de consultations populaires régionales – Amendement*, Doc.5-2373/2, December 3, 2013 ; Senate, *Révision de la constitution -Projet de texte portant révision de l'article 142 de la Constitution – Amendement*, Doc.5-2374/2, December 3, 2013.

⁶⁵ House of Representatives, *Révision de la constitution. Proposition d'insertion d'un article 39bis dans la Constitution*, Doc.53K2966, July 24, 2013. ; Senate, *Projet de texte portant insertion d'un article 39bis dans la Constitution*, Doc. 5-2372, November 29, 2013.

⁶⁶ House of Representatives, *Révision de la constitution. Proposition d'insertion d'un article 39bis dans la Constitution - Amendement*, Doc.53K2966/2, November 6, 2013, Senate, *Projet de texte portant insertion d'un article 39bis dans la Constitution*, Doc. 5-2372/2, December 3, 2013.

⁶⁷ Walloon Parliament, *Proposition de décret spécial instituant la consultation populaire*, Doc.559 (2015-2016), July 15, 2016.

⁶⁸ Walloon Parliament, *Proposition de décret spécial instituant la consultation populaire - Amendement*, Doc.559/27 (2015-2016), June 28, 2018.

⁶⁹ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale instituant la consultation populaire régionale*, Doc.A-704, May 17, 2023.

While prior to 2020 most proposals and adopted texts vested the sole power of reformulating the question in Parliament⁷⁰, this situation has evolved in the wake of Belgium's various deliberative experiments. Thus, within the Walloon Parliament, Green Party representatives proposed as early as 2018 the creation of a citizens' committee composed of randomly selected citizens tasked with formulating questions submitted to popular vote⁷¹. In addition, several proposals from opposition members of the cdH suggested delegating the formulation of the question to a citizens' assembly or to deliberative commissions, although these proposals were never formally debated⁷².

These Walloon initiatives subsequently found resonance in Brussels parliamentary debates a few years later, notably through the proposal by Agora to establish a Citizens' Council composed of 25 randomly selected citizens, mandated to examine and reformulate requests for popular consultation⁷³.

Finally, in a more direct perspective linking citizen proposals to a vote by the entire population, members of the PTB propose avoiding any stage of parliamentary reformulation of the question. They thus suggest submitting the question as originally formulated by citizens, without modification, once a favourable opinion has been issued by the Constitutional Court⁷⁴. However, none of these proposals have been adopted.

At the end of the various legislative processes, regional parliaments retain a power to reformulate the question proposed by citizens. In addition, they also hold a form of veto power, as they may decide to refuse the organisation of certain popular consultations⁷⁵. This parliamentary veto is nevertheless more tightly regulated under the Brussels ordinance than in Wallonia. Indeed, the Brussels legal framework stipulates that, when a request for popular consultation originates from citizens, it may only be rejected by the Brussels Parliament on technical grounds relating to the subject matter or admissibility of the request⁷⁶.

Thus, after more than a decade of parliamentary debates in Belgium on the design of popular consultations, the Walloon and Brussels Regions now possess a legal framework that allows them, subject to review by the Constitutional Court, to reformulate proposals for popular votes originating from either parliamentarians or citizens, or even to reject them outright.

These popular consultations are restricted to matters falling exclusively within regional competences, with the exception of issues relating to public finances and the budget, matters requiring a two-thirds parliamentary majority, questions concerning individuals, issues related to international treaties, and questions deemed contrary to fundamental rights and freedoms.

⁷⁰ Décret spécial du 19 juillet 2018 instituant la consultation populaire, *Moniteur belge*, September 28, 2018.

⁷¹ Walloon Parliament, *Proposition de décret spécial instituant la consultation populaire - Amendement*, Doc.559/27 (2015-2016), June 28, 2018.

⁷² Walloon Parliament, *Proposition de décret spécial modifiant les articles 2, 5, 6 et 7 du décret spécial du 19 juillet 2018 instituant la consultation populaire en vue d'octroyer un droit d'initiative aux commissions délibératives composées de députés et de citoyens tirés au sort*, Doc.278 (2020-2021), September 29, 2020.; Walloon Parliament, *Proposition de décret spécial modifiant les articles 2, 5, 6 et 7 du décret spécial du 19 juillet 2018 instituant la consultation populaire*, Doc.222 (2019-2020), September 1st, 2020.

⁷³ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale relative à la consultation populaire régionale*, Doc.A-363, April 19, 2021.

⁷⁴ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale visant à développer la démocratie participative et à organiser la tenue de consultations populaires en Région de Bruxelles-Capitale*, Doc.A-116, December 3, 2019.

⁷⁵ Décret spécial du 19 juillet 2018 instituant la consultation populaire, *Moniteur belge*, September 28, 2018.

⁷⁶ Ordonnance spéciale du 25 avril 2024 instituant la consultation populaire régionale, *Moniteur belge*, May 25, 2024.

	Instrument	Oversight	Rewording	Veto?
Federal level	/	/	/	/
Walloon Parliament	Regional popular consultation	Constitutional Court	Parliament	Veto
Parliament of the Brussels-Capital Region	Regional popular consultation	Constitutional Court	Parliament	Technical veto

Participation phase

Following the submission of a request for a popular consultation, its review by the Constitutional Court of Belgium, and its subsequent acceptance or reformulation by Parliament, it becomes essential to organise the concrete moment of citizen participation, namely the vote. The question of voting in the context of a referendum raises several issues that may appear technical but in fact involve substantive stakes in terms of the democratization of representative government. On which day does the vote take place? Who is eligible to participate? What are the conditions for the vote to be considered valid? The inclusion or exclusion of large segments of the population depends directly on these criteria. Organising a referendum on a weekday with non-compulsory voting requiring prior registration on an electoral roll limited to nationals over 18 years of age differs significantly from organising a referendum on a Sunday with compulsory voting extended to all residents aged 16 and over.

First, regarding the day of the vote, two criteria are shared by all proposals submitted in the Walloon and Brussels parliaments. The consultation may only take place on a Sunday (the standard election day in Belgium), and it must be held at least six months before the next European, regional, federal (the latter two having been synchronised with European elections since 2014), or municipal elections. These two provisions are subject to virtually no debate and are included both in the Walloon special decree and in the Brussels special ordinance.

Following this agreement on the timing of popular consultations, the question of franchise—i.e., the definition of the electorate—is of crucial importance. On this issue, parties located on the right of the French-speaking Belgian political spectrum display only limited divergence from other political forces. Thus, in its 2009 proposal submitted to the Walloon Parliament, the Mouvement Réformateur proposed that the vote be open to electors in accordance with the Electoral Code, which provides for voting rights from the age of 18⁷⁷. Similarly, the Parti Populaire, a far-right list that secured only one seat in the Walloon Parliament in the 2014 elections, proposed restricting voting rights to Belgian nationals aged over 18⁷⁸. This position represents the least inclusive of all proposals submitted within the parliamentary settings under study. Indeed, apart from these proposals from the MR and the PP, all texts introduced in the Brussels and Walloon regional parliaments propose granting voting rights to all individuals aged 16 and over who are registered or recorded in the population register of a municipality within the relevant territory⁷⁹. The Brussels

⁷⁷ Walloon Parliament, *Proposition de décret visant à instituer une consultation populaire au niveau régional*, Doc. 13 (SE2009), July 16, 2009.

⁷⁸ Walloon Parliament, *Proposition de décret introduisant l'usage de la consultation populaire à l'échelon régional*, Doc.42 (2014-2015), October 16, 2014.

⁷⁹ Article 3, Décret spécial du 19 juillet 2018 instituant la consultation populaire, *Moniteur belge*, September 28, 2018

ordinance also specifies that registration in the foreigners' register confers eligibility to vote⁸⁰. These voting conditions are more inclusive than those governing most Belgian elections, where voting at 18 remains the standard (with the exception of European elections since 2024), while citizenship is required for participation in regional and federal elections.

Finally, the third and last issue we consider regarding the conduct of popular consultations concerns whether voting is compulsory or voluntary, as well as the minimum turnout threshold required for votes to be counted. The first issue is characterised by broad consensus among parliamentarians. Indeed, while voting in elections is compulsory in Belgium (with the exception of local elections in Flanders since 2024), no proposal envisages making participation in popular consultations mandatory. The second issue, relating to the minimum participation threshold, is more contentious. Early proposals for constitutional revision submitted by the Mouvement Réformateur in the Chamber suggested a 20% turnout threshold in order for votes to be counted⁸¹. This 20% threshold was also proposed by the Parti Populaire in the Walloon Parliament⁸². However, this level came to be regarded as too high, as all other proposals subsequently suggested a lower threshold, set at 10% in Wallonia⁸³. This 10% threshold was accompanied by an additional quorum requirement concerning the geographical dispersion of votes cast. Several parliamentarians thus proposed that the 10% threshold in Wallonia be combined with a requirement of 10% participation in five of the eleven electoral constituencies for the Walloon Parliament⁸⁴. The threshold ultimately retained in the Walloon special decree is slightly higher, as it requires a 10% participation rate across Wallonia, combined with a 10% quorum in the majority of Walloon electoral constituencies⁸⁵.

A similar debate takes place within the Brussels regional Parliament, where a 10% quorum across the entire region is regularly proposed, accompanied by the same threshold in five⁸⁶ or six⁸⁷ Brussels municipalities. On this issue of participation thresholds, parties on the left of the political spectrum adopt distinct positions. The PTB explicitly proposes not to introduce any minimum participation threshold, arguing that since no such threshold exists for elections, none should be established for popular consultations⁸⁸. The PTB-PVDA indeed presents itself as the only party rejecting the principle of a participation threshold for vote counting, as reflected in two similar proposals submitted to the Chamber of Representatives⁸⁹. Agora, a citizen list that secured representation in

⁸⁰ Article 3, Ordonnance spéciale du 25 avril 2024 instituant la consultation populaire régionale, *Moniteur belge*, May 25, 2024.

⁸¹ House of Representatives, *Révision de la constitution. Proposition de révision de la Constitution en vue d'y insérer un article 39bis relatif à la consultation populaire*, Doc.53K1159/1, February 2, 2011.

⁸² Walloon Parliament, *Proposition de décret introduisant l'usage de la consultation populaire à l'échelon régional*, Doc.42 (2014-2015), October 16, 2014.

⁸³ Décret spécial du 19 juillet 2018 instituant la consultation populaire, *Moniteur belge*, September 28, 2018.

⁸⁴ Walloon Parliament, *Proposition de décret instaurant la consultation populaire régionale*, Doc. 33 (SE2009), July 17, 2009.; Walloon Parliament, *Proposition de décret spécial instaurant la consultation populaire régionale*, Doc. 1009 (2013-2014), March 11, 2014. ; Walloon Parliament, *Proposition de décret spécial visant à instituer la consultation populaire régionale*, Doc.1064 (2013-2014), April 24, 2014.; Walloon Parliament, *Proposition de décret spécial instaurant la consultation populaire régionale*, Doc.16 (SE2014), July 22, 2014.; Walloon Parliament, *Proposition de décret spécial mettant en œuvre l'article 39bis de la Constitution en vue d'instituer la consultation populaire au niveau régional*, Doc.79 (2014-2015), December 8, 2014.; Walloon Parliament, *Proposition de décret spécial visant à instituer la consultation populaire régionale*, Doc.83 (2014-2015), December 9, 2014.

⁸⁵ Walloon Parliament, *Proposition de décret spécial instituant la consultation populaire*, Doc. 559 (2015-2016), July 15, 2016.

⁸⁶ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale organique de la consultation populaire régionale*, Doc.A-108, March 3, 2015.

⁸⁷ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale visant à renforcer la démocratie participative en instituant la consultation populaire en Région de Bruxelles-Capitale*, Doc.A-180, June 12, 2015.

⁸⁸ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale visant à développer la démocratie participative et à organiser la tenue de consultations populaires en Région de Bruxelles-Capitale*, Doc.A-116, December 3, 2019.

⁸⁹ House of Representatives, *Proposition de déclaration de révision des articles 36, 39bis, 41 et 195 de la Constitution en vue d'instaurer le référendum contraignant*, Doc ;54K3540/1, February 11, 2019.; House of Representatives, *Proposition de*

the Brussels Parliament, proposes an alternative threshold set at 5% in a majority of the 19 Brussels municipalities⁹⁰. This quorum proposal is partly taken up by the Brussels governing majority, which ultimately adopts a dual participation threshold: 15% at the regional level (higher than most other proposals) and 5% in a majority of Brussels municipalities⁹¹.

Thus, to date, both the Brussels and Walloon regional parliaments have established a framework governing the timing of popular consultations. Voting may only take place on a Sunday, and must be scheduled at least six months prior to an electoral deadline. Voting is non-compulsory and open to individuals aged 16 and over who are registered in the population register in Wallonia and/or, in the case of Brussels, included in the register of foreign residents. Finally, a 10% participation threshold is required across the entire territory and in a majority of the 11 constituencies in Wallonia, whereas these quorums are set at 15% at the Brussels regional level and at 5% in a majority of the 19 municipalities of the region.

	Walloon Parliament	Parliament of the Brussels-Capital Region
Day of the vote	Sunday	Sunday
Time constraint	At least 6 months before elections	At least 6 months before elections
Mandatory vote?	Optional	Optional
Voting age	16	16
Requirements	Registered or listed in the population registry	registered or listed in the population registry or the foreigners' registry
General quorum	10%	15%
Special quorum	10% in most districts	5% in most districts

Post-referendum

After the counting of votes and the announcement of results, a central issue in terms of the democratization of representative government arises: the degree of constraint that the vote exerts on Parliament. This question is quickly clarified by the terminology used to describe the different mechanisms of popular voting. Thus, a referendum is presented as binding on political authorities, whereas a popular consultation is defined as merely advisory in nature. The established Belgian legal framework leaves no ambiguity in this regard: the results of popular votes instituted in Belgium can only be consultative and non-decisional. In Brussels, the outcome of a popular consultation is transformed into a draft resolution submitted to a parliamentary vote. In the event of rejection, a letter setting out the reasons for this decision is sent to the initiators of the consultation, and the decision is also published online (via the parliamentary website and social

déclaration de révision des articles 36, 39bis et 41 de la Constitution en vue d'instaurer le référendum contraignant, Doc.55K2390, December 17, 2021.

⁹⁰ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale relative à la consultation populaire régionale*, Doc.A-363, April 19, 2021.

⁹¹ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale instituant la consultation populaire régionale*, Doc.A-704, May 17, 2023.

media platforms) in order to ensure broad public dissemination⁹². In Wallonia, the legal framework is even less constraining for Parliament, as it merely stipulates that Parliament “debates in plenary session the results of the popular consultation, which are published, within one month of the vote count, in the *Moniteur belge*.”⁹³

The consultative nature of the mechanisms adopted is directly derived from the Belgian constitutional framework. Nevertheless, several proposals for declarations of constitutional revision have been submitted to the Chamber of Representatives with the aim of further democratizing representative government by enshrining the referendum in the Constitution. These proposals, systematically introduced by opposition parties—whether from the radical left⁹⁴, the Greens⁹⁵, the left⁹⁶, the centre-right⁹⁷, or the far right⁹⁸—have not been adopted.

Some regional elected officials have also sought to support the introduction of binding referendums, notably through a resolution tabled by Brussels Green representatives in 2023, albeit without success⁹⁹.

The consultative status of popular votes in Belgium nonetheless raises a broader issue concerning the nature of the Belgian constitutional regime, and a more unsettling question: is democracy prohibited in Belgium?

Constitutional constraints: is democracy prohibited in Belgium?

Since its creation, Belgium has never experienced the use of the referendum at the national level. A well-known popular consultation was organised in 1950 regarding the return of King Leopold III following the events of the Second World War, but the history of national popular votes in Belgium effectively ends there. The highly divisive nature of this consultation between Flemish and French-speaking populations—known in Belgian political history as the “Question Royale” (Royal

⁹² Article 19, Ordonnance spéciale du 25 avril 2024 instituant la consultation populaire régionale, *Moniteur belge*, May 25, 2024.

⁹³ Article 19, Décret spécial du 19 juillet 2018 instituant la consultation populaire, *Moniteur belge*, September 28, 2018.

⁹⁴ House of Representatives, *Proposition de déclaration de révision des articles 36, 39bis, 41 et 195 de la Constitution en vue d'instaurer le référendum contraignant*, Doc.54K3540/1, February 11, 2019.; House of Representatives, *Proposition de déclaration de révision des articles 36, 39bis et 41 de la Constitution en vue d'instaurer le référendum contraignant*, Doc.55K2390, December 17, 2021.; House of Representatives, *Projet de déclaration de révision de la Constitution - Amendement*, Doc.55K4018/2, May 6, 2024 ; House of Representatives, *Projet de déclaration de révision de la Constitution - Amendement*, Doc.55K4018/5, May 7, 2024.

⁹⁵ House of Representatives, *Proposition de déclaration de révision de la Constitution*, Doc.53K3557/1, April 15, 2014.

; House of Representatives, *Proposition de déclaration de révision de la Constitution*, Doc.54K3666, March 20, 2019.

⁹⁶ House of Representatives, *Proposition de déclaration de révision de la Constitution*, Doc.54K3696/1, March 27, 2019.

⁹⁷ House of Representatives, *Projet de déclaration de révision de la Constitution - Amendement*, Doc.55K4018/2, May 6, 2024 ; House of Representatives, *Projet de déclaration de révision de la Constitution - Amendement*, Doc.55K4018/5, May 7, 2024. ; House of Representatives, *Proposition de déclaration de révision de la Constitution en vue d'y insérer un article 39quater permettant la tenue d'un référendum d'initiative citoyenne*, Doc.54K3690/1, March 26, 2019. ; House of Representatives, *Proposition de déclaration de révision de la Constitution en vue d'y insérer un article 39quater permettant la tenue d'un référendum d'initiative citoyenne*, Doc.55K219, August 22, 2019. ; House of Representatives, *Projet de déclaration de révision de la Constitution - Amendement*, Doc.55K4018/5, May 7, 2024.

⁹⁸ House of Representatives, *Proposition de déclaration de révision des articles 33, 36, 41 et 134 de la Constitution en vue de permettre la tenue de référendums contraignants*, Doc 53K1387/1, April 11, 2011. ; Chambre, 2966/2 ; House of Representatives, *Proposition de déclaration de révision des articles 33, 36, 39bis, 41, 134 et 195 de la Constitution en vue de permettre la tenue de référendums contraignants*, Doc.54K559, November 4, 2014. ; House of Representatives, *Proposition de déclaration de révision des articles 33, 36, 39bis, 41, 134 et 195 de la Constitution en vue de permettre la tenue de référendums contraignants*, Doc.55K2431, January 18, 2022.

⁹⁹ Parliament of the Brussels-Capital Region, *Proposition de résolution en faveur d'une révision de la Constitution en vue de permettre aux Régions d'organiser des référendums sur des matières relevant de leur compétence*, Doc.A-773, October 9, 2023.

Question)—has contributed to a persistent myth surrounding the prohibition of referendums in Belgium. Indeed, since the Royal Question, Belgian citizens have no longer been called upon to vote directly on specific national policy issues. The idea that Belgium avoids referendums out of fear of a vote leading to the country's partition between Flanders and Wallonia is, moreover, widely shared in public discourse.

However, if Belgium has not experienced any referendum in its history, this is largely due to the nature of the state and to a constitutional straitjacket that prevents the direct exercise of political power by the people. Indeed, case law from the Council of State of Belgium appears to interpret the Belgian Constitution as prohibiting any form of direct and decisive political participation by citizens outside of elections. This constitutional reading effectively rules out the use of referendums¹⁰⁰, as well as any transfer of decision-making authority to citizens, including mechanisms such as granting binding powers to citizens' assemblies or bodies partially composed of members selected by sortition¹⁰¹.

The Council of State's position is grounded in its interpretation of Articles 33 (formerly 25) and 42 (formerly 32) of the 1831 Belgian Constitution¹⁰², which state that "All powers emanate from the Nation" and that "They are to be exercised as prescribed by the Constitution." In response to several legislative proposals aiming to institutionalize referendums and popular consultations—a consultative form of referendum¹⁰³—the Legislation Section of the Council of State issued a landmark opinion on May 15, 1985, articulating its stance¹⁰⁴. The opinion recalled that during Belgium's constituent moment at the National Congress of 1830, direct recourse to the people had been met with skepticism. It thus reaffirmed the "strictly representative" nature of the Belgian political regime¹⁰⁵.

Interpreting the constitutional articles as affirming the principle of national sovereignty¹⁰⁶ rather than popular sovereignty¹⁰⁷, the Council of State characterizes the Belgian regime as "purely parliamentary,"¹⁰⁸ granting citizens entry into the sovereign body only upon being admitted to the ballot box¹⁰⁹. By locating sovereignty in the Nation—a political fiction realized through the formation of a representative parliamentary body¹¹⁰—the Council affirms the primacy of elected representatives over direct popular sovereignty¹¹¹. Emphasizing the wording of Article 25 (now Article 33), which stipulates that powers "are to be exercised as prescribed by the Constitution," and noting the absence of provisions for referendums in the Constitution, the Council explicitly

¹⁰⁰ GAUDIN T., JACQUET V., PILET J.-B., REUCHAMPS M., (2018), « Consultation populaire et référendum en Belgique », *Courrier hebdomadaire du CRISP*, 2390-2391, 5-62.

¹⁰¹ Walloon Parliament, *Proposition de décret institutionnalisant l'assemblée citoyenne et le conseil citoyen. Opinion of the Council of State*, Doc.221/2 (2020-2021), January 6, 2021.

¹⁰² Article 33 : « Tous les pouvoirs émanent de la Nation. Ils sont exercés de la manière établie par la Constitution ». Article 42 : « Les membres des deux Chambres représentent la Nation, et non uniquement ceux qui les ont élus. »

¹⁰³ LEWALLE P. (1986), "Le référendum local", in DELPEREE F. (dir), *La participation directe du citoyen à la vie politique et administrative*, Brussels, Bruylant, p. 84.

¹⁰⁴ House of Representatives, *Council of State, Opinion of 15 May 1985*, Doc.783/2.

¹⁰⁵ Council of State quoting WIGNY P. (1972), *La troisième révision de la Constitution*, Bruxelles.

¹⁰⁶ DUMONT H. (2018), "Le concept de démocratie représentative : de Sieyès à la Constitution belge de 1831", in BOUHON F. and REUCHAMPS M. (eds.), *Les systèmes électoraux de la Belgique*, Brussels, Bruylant, 2^eed., p.39.

¹⁰⁷ VELAERS J., POPELIER P. (2006), "Le référendum constitutionnel en Belgique", in DIRIX É. (ed.), *The Belgian reports at the Congress of Utrecht of the International Academy of Comparative Law*, Brussels, Bruylant, p. 619 ; BOURGAUX A.-E. (2023), "Tous les pouvoirs émanent-ils de la Nation? Retour sur une souveraineté déboussolée", in VANDENBOSSCHE E., *Parlementaire soevereiniteit: een constitutionele utopie?*, Bruges, die Keure, 1-32.

¹⁰⁸ Council of State quoting MAST A. (1950), *Overzicht van het grondwettelijk recht. Deel I*, Standaard Boekhandel.

¹⁰⁹ Council of State quoting ORBAN O. (1906), *Le droit constitutionnel de la Belgique*, Liège.

¹¹⁰ KERLEO J.-F. (2017), « Le droit parlementaire local : l'impensé juridique de la fonction territoriale du représentant de la Nation », *Revue française de droit constitutionnel* 109, 103-120.

¹¹¹ HAYAT S. (2014), "La souveraineté populaire", in HINCKER L. (ed.) (2014), *Citoyenneté, république, démocratie en France 1789-1899*, Paris, Atlande, 145-159.

prohibits popular votes¹¹². This reasoning was extended to the rejection of popular consultation as well¹¹³. The Council of State has repeatedly reaffirmed this interpretation in subsequent opinions¹¹⁴. Consequently, a constitutional revision would be necessary to institutionalize referendums in Belgium¹¹⁵. Such an amendment had already been undertaken in 1999 to allow for popular consultation at the local level. During the debates surrounding this mechanism, the Council of State of Belgium set out several constraints, including the requirement that the process be initiated by the legislative body itself, the strictly consultative and non-binding nature of the consultation, and its limitation to matters falling exclusively within the competence of the relevant legislative authority¹¹⁶. As discussed above, another constitutional revision was undertaken with respect to popular consultation at the regional level, as the Constitution was amended in 2014¹¹⁷. These constitutional interpretations developed by the Council of State, which rule out referendums, help to clarify the varying degrees of institutionalisation of democratic innovations within Belgian parliaments.

Despite this institutional context, it remains relevant to examine the political consequences of reforms relating to popular voting mechanisms from the perspective of the democratization of representative government, and to analyse which democratic imaginaries underpin these proposals and adopted norms. Has the introduction of regional popular consultation in the Constitution actually led to a democratization of representative government? Which dominant democratic imaginary ultimately structures the institutional arrangements in place?

Does Parliament Democratize Representative Government?

At the conclusion of this overview of proposals for the institutionalization of the referendum in Belgium, it is appropriate to address the two questions guiding this article: does parliament democratize representative government? And to which democratic imaginary do the concrete mechanisms proposed or established refer?

Following the extensive developments on the democratic issues surrounding the four phases of the popular voting process, as well as the detour through the constraints of the Belgian constitutional framework, the answer to these questions becomes evident: parliament does not, in

¹¹² GEENENS R., SOTTIAUX S. (2015), "Sovereignty and Direct Democracy: Lessons from Constant and the Belgian Constitution", *European Constitutional Law Review*, 11, 293-320

¹¹³ House of Representatives, *Council of State, Opinion of 15 May 1985*, Doc.783/2

¹¹⁴ Flemish Parliament, *Voorstel van decreet houdende de inrichting van een Vlaamse volksraadpleging*, *Advies van de Raad van State*, no. 1176/2, January 16, 2003; Flemish Parliament, *Voorstel van decreet houdende instelling van een deelstatelijke volksraadpleging kaderend in de procedure van onderzoek*, *Advies van de Raad van State*, no. 1131/3, January 16, 2003; House of Representatives, *Proposition de loi portant organisation d'une consultation populaire sur le traité établissant une constitution pour l'Europe*, *Avis du Conseil d'Etat* no. 37.804/AG [of November 23, 2004], no. 281/4, November 29, 2004.

¹¹⁵ UYTENDAELE M. (1994), "Le référendum constitutionnel en Belgique ou une réponse inadaptée à une question pertinente", *Administration publique - trimestriel*, pp.109-114; VELAERS J. (2002), "Het referendum en de volksraadpleging in grondwettelijk perspectief", in HUBEAU B., ELST M. (dir.), *Democratie in ademnood? Over legitimiteit, legitimatie et verfijning van de democratie*, Bruges, Die Keure, pp. 272-275; VANDE LANOTTE J. et al. (2015), *Belgisch publiekrecht*, Bruges, Die Keure, pp.208-212.

¹¹⁶ Walloon Parliament, *Proposition de décret visant à instituer une consultation populaire au niveau régional*, Doc. 13 (SE2009), July 16, 2009.

¹¹⁷ GAUDIN T., JACQUET V., PILET J.-B., REUCHAMPS M., (2018), « Consultation populaire et référendum en Belgique », *Courrier hebdomadaire du CRISP*, 2390-2391, 5-62. ; Article 39bis: « À l'exclusion des matières relatives aux finances ou au budget ou des matières qui sont réglées à une majorité des deux tiers des suffrages exprimés, les matières exclusivement attribuées aux organes régionaux peuvent faire l'objet d'une consultation populaire dans la région concernée ». [With the exception of matters relating to finance or the budget, or matters which are settled by a two-thirds majority of the votes cast, matters exclusively attributed to regional bodies may be subject to popular consultation in the region concerned.]

fact, meaningfully democratize representative government, and the mechanisms that have been established clearly align with a deliberative democratic imaginary.

Indeed, none of the institutionalized mechanisms entails a concrete transfer of decision-making power to citizens. From the earliest legislative proposals, certain parameters framing popular voting processes were clearly established, with the consultative nature of such votes being non-negotiable. This constraint, reflecting the strictures of the Belgian constitutional framework, prevents any genuine democratization of representative government through the referendum.

At the end of the three legislative terms under consideration, the Belgian regional parliaments had equipped themselves with a consultative instrument of popular vote—the *popular consultation*—which grants no binding authority to citizens. The consultative character of these institutionalized mechanisms directly situates the popular consultation within a deliberative democratic imaginary, in which the objective of citizen participation is to support representative government without calling its foundations into question. Popular voting is thus conceptualized as a means of consulting the population, of incorporating public opinion into parliamentary deliberation so that political representatives may be better informed about citizens' preferences. The inclusion of the citizen voice in the debate is therefore central to these mechanisms and constitutes an end in itself. Consulting citizens on a given issue aims to restore a link—a form of dialogue—between governors and governed, thereby countering the growing mistrust of the latter toward the former. Democratization, understood as a genuine transfer of decision-making power, is therefore entirely absent from these mechanisms; the conditions governing both their initiation and their subject matter provide concrete illustrations of these limitations.

Indeed, the mechanisms adopted in Wallonia and Brussels allow both citizens and parliaments to initiate a process of popular consultation. However, the thresholds required to trigger these procedures significantly constrain their use. These conditions are, in fact, so demanding that no popular consultation has been organized at the regional level. Since 2018 in Wallonia and since 2024 in Brussels, no such consultation has taken place.

Citizen-initiated thresholds (60,000 signatures in Wallonia and 15,000 in Brussels) thus appear too high for these mechanisms to be genuinely appropriated by the population, thereby constituting a clear limitation on the democratization of representative government.

Furthermore, the limitations regarding the subjects that may be submitted to a popular consultation significantly reduce its impact. The numerous exclusions in Wallonia and Brussels—relating to international treaties, exclusive competences, budgetary and financial matters, or issues requiring a two-thirds majority—drastically constrain the scope of possible consultations. The ideal of citizen self-government through these mechanisms is thus substantially curtailed, and it would be both illusory and naïve to interpret the institutionalized arrangements as reflecting a radical democratic imaginary.

This limitation on democratization is further reinforced in Brussels by the exclusion of “questions that have already been the subject of explicit debate and a vote in plenary session of Parliament within the framework of a draft or proposed ordinance in the two years preceding the submission of the request for a popular consultation.”¹¹⁸ Such a provision has the clear effect of preventing any popular consultation with a corrective purpose. By precluding both elected representatives and citizens from appealing to a vote of the entire population on legislation recently adopted or rejected, it eliminates any possibility for citizens to correct or redirect political action.

¹¹⁸ Ordonnance spéciale du 25 avril 2024 instituant la consultation populaire régionale, *Moniteur belge*, May 25, 2024.

This exclusion ultimately underscores that parliament remains the sovereign and autonomous body within representative government, and that this authority is not intended to be transferred to citizens.

Conclusion

Democratizing representative government constitutes a major challenge in a context marked by a crisis of representation. At a time when citizens' trust in institutions is eroding and authoritarian far-right movements are gaining or regaining power in numerous countries, the development of democratic alternatives appears essential.

However, modern liberal representative governments—historically constructed in opposition to the very idea of democracy—struggle to restore citizens' confidence. This mistrust can be partly explained by the limited role granted to citizens in political decision-making, which is often confined to the selection of representatives.

In this context, the introduction of democratic innovation mechanisms—such as sortition or referendums—may be seen as part of a broader process of democratizing representative government, potentially restoring citizens' trust by including them in decision-making processes. However, the analysis of the concrete mechanisms proposed and subsequently adopted compels a more cautious assessment of these democratizing expectations. Given that the Belgian Constitution effectively precludes the referendum by its silence on the matter, Belgian parliaments have only been able to establish a system of regional popular consultation. Far from transferring any meaningful share of political power to citizens, the adopted mechanisms are embedded within a deliberative democratic imaginary, aimed primarily at incorporating citizens into parliamentary debates that ultimately transcend them, and within which they exercise no decision-making authority outside of elections. Anti-political and radical democratic imaginaries do emerge tentatively in certain proposals, but they are entirely absent from the mechanisms that have ultimately been adopted.

Thus, after extensive parliamentary debates, citizens in Wallonia and Brussels may one day be called upon to vote outside electoral periods in order to express their views on a specific issue. Although this possibility has existed in Wallonia for nearly a decade, no such popular consultation has ever taken place. Moreover, when the prospect of a consultation has been raised in Wallonia, it has been initiated by the government with the aim of abolishing the provinces—an issue requiring a two-thirds majority and therefore excluded from the scope of permissible popular consultations...

Soliciting the opinion of the population—consulting citizens in order to restore their confidence in parliament—without ever envisaging a concrete transfer of decision-making power to them does not, therefore, constitute a genuine democratization of representative government.