

Constitutional review and deliberation in Germany

Grundgesetz: Basic Law

Constitutional convention: Aug 1948 expert-convention (prime ministers): 2 weeks Herrenchiemsee: draft

Parliamentary Council (Sept-May 1949 in Bonn):

- 65 delegates from Provinces (Länder)

Grundgesetz : provisional (until unification 1990),
Human Rights (Art 1-20): human dignity (Art 1 GG), federalism
with "eternal guarantee" (Ewigkeitsgarantie))

Constitutional court:

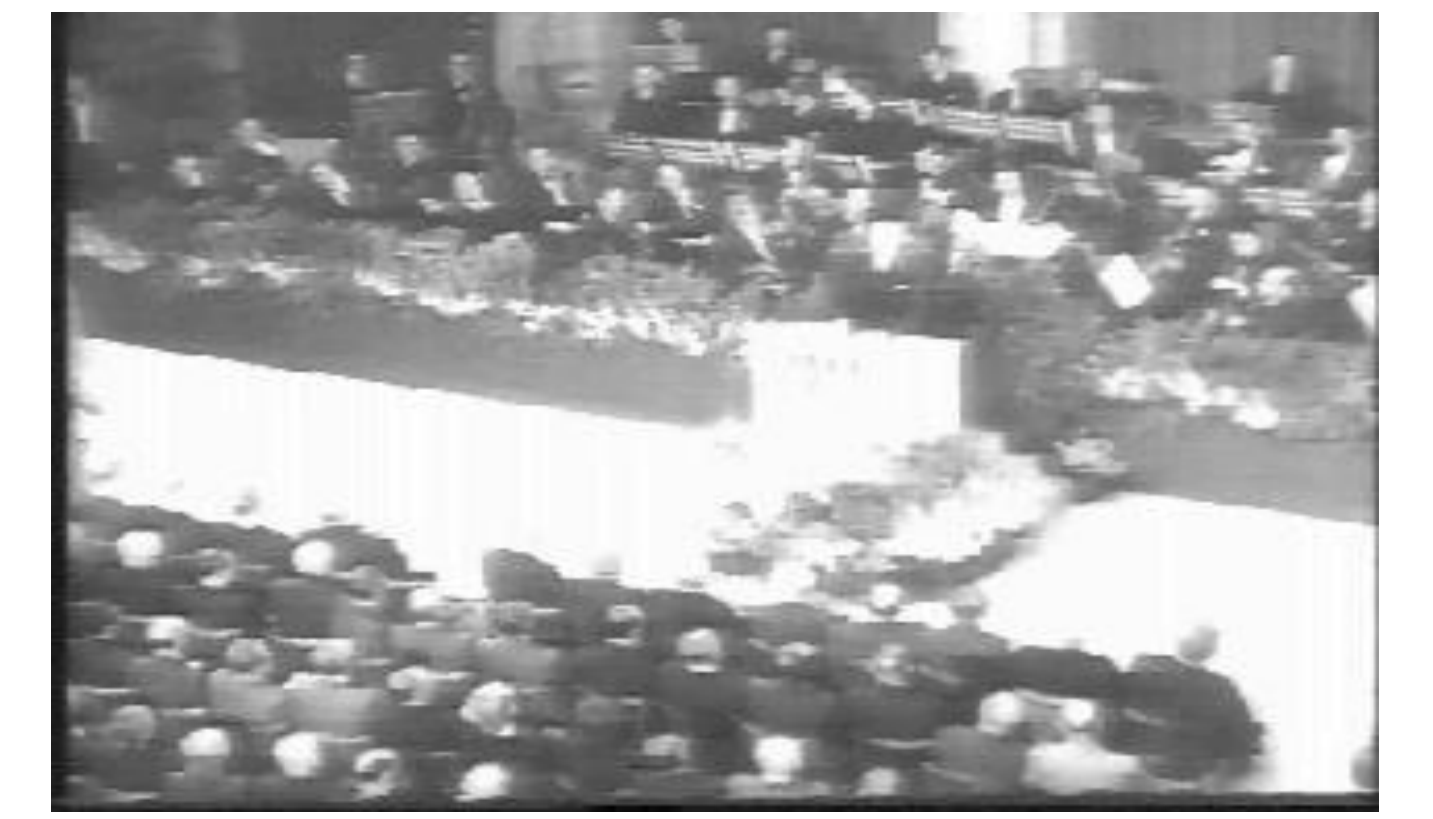
Constitutional review : 2/3 majority,

Parliamentary process

No referendum 1945 and 1990 after re-unification

No broad deliberation in constitutional review processes

2019- Introduction of an informal national Citizen Assembly (Bürgererrat)



Constitutional review and deliberation in North-Rhine-Westphalia

NRW constitution (1947):

No-basic laws (only reference to Grundgesetz)

1950 positive constitutional referendum

Constitutional review : 2/3 majority, Parliamentary process – app. 20 amendments

Länder Constitutional court:

Constitutional change with 70th anniversary of NRW (2013-2016):

results: more transparency- but not most relevant topics

1. Parliamentarism (information rights MPs,) 2. (Participation (EU citizen, 16, regional referendum), 3. finance and debt, 4. constitutional court

1. Informationphase 2 Negation phase 3. Decision Phase

Public: commissions public, expert hearing, streaming, minutes, e-mail, Blog,

Parliamentary commission (similar Enquete commission, Nov-2013-2016)

Hot Topics: Voting age 16, direct democracy -> no compromise

Hottest Topic: 2,5% threshold (quorum) at local elections was not included, but parliamentary YES vote ---

-> Länder Constitutional court reaction: "unconstitutional" (see Kersting 2019)

